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James K. Polk

THE LIFE

AMES KNOX POLK,

JOHN [illegible] JENKINS

1850.

James K. Polk

THE LIFE

OF

JAMES KNOX POLK,

Late President of the United States.

BY

JOHN S. JENKINS,

AUTHOR OF "THE HISTORY OF THE WAR WITH MEXICO," ETC., ETC.

"EQUAL TO HIS DUTY—NOT ABOVE IT."

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TO THE

HON. WILLIAM L. MARCY,

AS

A TOKEN OF HIGH PERSONAL ESTEEM

This Volume

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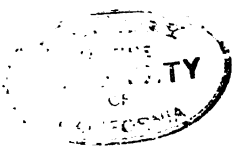

PREFACE.

THE life of any American President, I feel confident, would not need to be specially commended to the attention of his countrymen,—and certainly not that of James K. Polk,—for whatever may be the opinions entertained in regard to the administration of which he was the head, it must be conceded that great and important measures were submitted to their consideration and action, and that interests of the deepest magnitude were confided to their hands.

Mr. Polk could not have said, with Augustus Cæsar, that he found the capital of the republic built of brick, and left it constructed of marble; but he might have claimed that he found her territories bounded on the south by the Sabine and the 42d parallel, and her authority west of the Rocky Mountains existing only in name,—and when he transferred the government to other hands, New Mexico and California were annexed to her domain, and her flag floated in token of sovereignty on

the banks of the Rio Grande, on the shores of the Straits of Fuca, and in the bay of San Francisco.

How and in what manner these territorial acquisitions were made, is a question worthy of inquiry. Mr. Polk did not want for able defenders to vindicate the policy of his administration; nor did his conduct escape censure and criticism. By some, as in the pamphlet of the late Mr. Gallatin, one of the most important measures with which the late President was identified—the war with Mexico—was reviewed in a spirit of candor and frankness, yet, as I think, under the influence of erroneous impressions with regard to the facts upon which conclusions were based; and by others, as in the Review of Mr. Jay and the productions of those who have followed in his wake—*sed longo intervallo*—with pure and honest motives, but with dogmatic assumptions, and appeals to the passions and the sympathies, rather than with well-founded arguments.

It is not claimed for this volume, that it is entirely impartial. Entertaining his own views in all sincerity, the writer has not hesitated to express them; and this right he is quite willing should be exercised by those who differ from him in opinion.

It has not appeared to me to be advisable, to present a detailed history of the war in Mexico, for two reasons. In the first place, so much has been written on the sub-

ject, that there is very little left to add to the accounts of the campaigns; and secondly, it would seem like claiming for Mr. Polk individually, the merit of transactions in which he had no direct participation, and therefore doing his memory a positive injustice.

Aside from all political considerations, there is something in the character of Mr. Polk, in his early struggles and in his triumphs, which is worthy of notice, and will challenge admiration. "There is nothing so interesting to me," says Joanna Baillie, "as to trace the course of a prosperous man through this varied world. First, he is seen like a little stream, wearing its shallow bed through the grass, circling and winding, and gleaning up its treasures from every twinkling rill as it passes; further on, the brown sand fences its margin, the dark rushes thicken on its side; further on still, the broad flags shake their green ranks, the willows bend their wide boughs o'er its course; and yonder, at last, the fair river appears, spreading his bright waves to the light."*

For a great portion of the materials from which this book has been prepared, I am indebted to the kindness of many friends, all of whom I could scarcely enumerate; but each individually will please accept my sincere thanks.

* Comedy of the "Second Marriage"

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LIFE

OF

JAMES K. POLK.

CHAPTER I.

Thomas Jefferson.—Declaration of American Independence.—Origin of the Movement.—Early Settlers of North Carolina.—Character.—The Mecklenburg Resolutions. — The Polk Family. — Their History. — Patriotic Conduct during the Revolution

On the southwestern slope of Monticello,—in the midst of the native forest hallowed by associations which have protected it from the faggot and the axe, and where the soft winds that disturb its solemn stillness murmur ceaselessly of the storied past,—there stands a plain granite obelisk, looking forth over the fair land, which he, who reposes there in the silence of death, loved with the affection of a son, and whose institutions he regarded with peculiar veneration. No heraldic blazonry may be witnessed there,—none of the sculptured pomp of woe. All is simple, chaste, appropriate—yet impressive.

Read the few lines graven upon this humble memento, in remembrance of one who asked no nobler monument! —The inscription, in brief but eloquent words, relates a whole chapter, and that the brightest and the proudest

in the life of him whose memory is thus consecrated.—"Here lies buried, THOMAS JEFFERSON,"—so runs the record,—"Author of the Declaration of Independence!"

This is not merely the assertion of a claim to the authorship of that memorable document, which can perish only with the nation that it called into existence; but it is also an important historical fact, and one of which the party directly concerned, and those interested in his memory, have just right to be proud. It is, as it were, the impartial judgment of the recording Muse. As such, it will live in the history, and be perpetuated in the traditions, of the American people. But neither the Sage of Monticello, nor his most ardent admirer, ever claimed that he was the sole originator of the great movement to which the Declaration of '76 gave form and substance. Its germs were planted in ten thousand hearts, long before the resolutions of Patrick Henry concerning the Stamp Act were offered, or his eloquent voice had sounded the alarm; its hopes and its impulses throbbed in ten thousand bosoms long before the chimes of the old State-house bell in Philadelphia proclaimed "liberty throughout this land, unto all the inhabitants thereof;" and they only waited "the hour and the man" to call them into action, and give them expression.

Occasions were not wanting, when the intolerance of oppression, and the stern resistance to tyranny, which were characteristic of the colonists, found utterance in something more than mere words and protestations. Such were the opposition of Massachusetts, in 1680, to the commercial restrictions; the refusal to surrender the charter of Connecticut to Sir Edmund Andros; the

public sympathy evinced in New York, in behalf of those who were prosecuted for libels on Governor Cosby; Bacon's rebellion in Virginia; and the repeated efforts made in the Carolinas to resist the oppressions of the proprietaries. At a later day, as the time approached for the general outbreak, its foreboding thunders were heard not only among the hills of New England, but they were echoed amid the leafy forests and luxuriant savannas of the sunny South; and when the signal of war was given at Lexington, the citizens of Mecklenburg County, in far-distant North Carolina, assembled in Convention, and were the first solemnly and deliberately to proclaim their independence of the British crown.

The first settlers and inhabitants of North Carolina had conceived a strong "passion for representative government;" they were opposed, alike from prejudice and from principle, to excessive taxation, to commercial monopolies and restrictions, and to any abridgment of their political liberties. They were men "who had been led to the choice of their residence from a hatred of restraint, and had lost themselves among the woods in search of independence. Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil, when they were left to take care of themselves. Any government but one of their own institution was oppressive."*

* Bancroft's History of the United States, vol. ii., p. 158.

We cannot wonder that such was the character of the founders of this colony, when we inquire into their origin. They were the descendants and kinsmen of the Scottish Covenanters; of the men who, at all times opposed to the exercise of arbitrary authority, resisted the tyrannous measures of Charles I., and set Cromwell at defiance; of the Seceders of 1741 and 1843, who would not consent to allow the right of patronage, or permit the civil power to interfere in the affairs of the Church endeared to them by the associations of infancy, and the recollections of age. They sprung, in great part, from the Scottish colonists who emigrated to Ireland under the auspices of James I., and settled there to disseminate the reformed religion, "for conscience sake."

From Ireland, the Scotch-Irish Presbyterians journeyed across the Atlantic, in search of the freedom in matters of religion which had been denied to them at home. Pilgrims in quest of "a faith's pure shrine,"—where he who ministered in holy things should be the faithful and devoted servant of his God, and not the miserable dependent on royal favor,—they braved persecution and danger, the perils of the sea and of the land, to erect their standard and practice their creed, unquestioned of man, amid the solitudes of the Western World. Not in vain were these trials undergone, or these perils encountered. Their patient endurance was rewarded by the discovery of the object which they earnestly longed to secure. They planted the groves and the orchards, whose rich fruitage has blessed and cheered their posterity.

"They have left unstained what there they found,—
Freedom to worship God!"

About the year 1735, or shortly thereafter, the emigrants from Ireland "sought the wilds of America by two avenues; the one, by the Delaware River, whose chief port was Philadelphia, and the other by a more southern landing, the port of Charleston, South Carolina. Those landing at the southern port, immediately sought the fertile forests of the upper country, approaching North Carolina on one side, and Georgia on the other; and not being very particular about boundaries, extended southward at pleasure, while, on the north, they were checked by a counter tide of emigration. Those who landed on the Delaware, after the desirable lands east of the Alleghanies, in Pennsylvania, were occupied, turned their course southward, and were speedily on the Catawba: passing on, they met the southern tide, and the stream turned westward, to the wilderness long known as '*Beyond the Mountains;*' now, as Tennessee. These two streams, from the same original fountain, Ireland, meeting and intermingling in this new soil, preserve the characteristic difference; the one, possessing some of the air and manner of Pennsylvania; and the other, of Charleston. These are the Puritans, the Roundheads of the South, the Blue-stockings of all countries; men that settled the wilderness on principle, and for principle's sake; that built churches from principle, and fought for liberty of person and conscience, as their acquisition, and the birthright of their children."*

From what has been said, it must not be inferred, that the inhabitants of North Carolina, during the Revolution,

* Foote's Sketches of North Carolina, p. 188.

were, to a man, devoted to the Whig cause,—that there were no Loyalists among them. That was not the case. North Carolina differed not in this respect from her sister colonies; and the remarks of Judge Marshall, with reference to the citizens of the Southern States generally, are particularly applicable to her population. "Being almost equally divided," he says, "between the two contending parties, reciprocal injuries had gradually sharpened their resentments against each other, and had armed neighbor against neighbor, until it became a war of extermination. As the parties alternately triumphed, opportunities were alternately given for the exercise of their vindictive passions."* In the lower counties of North Carolina, within the atmosphere of the provincial court, nearly all the inhabitants were infected with loyalty, while in the upper counties there was as great a preponderance of Whigs. Between the two parties, or factions, a fierce and unrelenting warfare was incessantly waged. Occupied as they were with enemies at home, the Whigs of North Carolina were therefore unable to spare many of their number for service in distant sections of the Confederacy; and it cannot, in justice, be mentioned to their reproach, that they remained at home, to protect their wives and children, their property and their firesides, from their infuriated opponents.

In the mountain district of North Carolina, the seeds of independence were early sown, and they soon germinated and ripened for the harvest. In this remote region there were thousands of spectators, who watched

* Life of Washington, vol. iv. p. 486.

with eager anxiety the progress of the controversy in the Eastern provinces. The Boston Port Bill, and the act for restricting the commerce of the colonies,—though North Carolina, with New York, was excepted from the provisions of the latter,*—were not viewed with indifference. Frequent public meetings were held in Mecklenburg county, then embracing the present county of Cabarrus, in the spring of 1775, at which the tyrannical measures of the British government were freely discussed. Those who participated in these discussions were sober, reflecting men; moderate in speech and prudent in counsel, yet firm as their native hills, and whose patriotism was as real and as pure as the virgin gold that slept undisturbed beneath them.

As the result of their deliberations, it was finally agreed "that THOMAS POLK, Colonel of the militia, long a surveyor in the province, frequently a member of the Colonial Assembly, well known and well acquainted in the surrounding counties, a man of great excellence and merited popularity, should be empowered to call a convention of the representatives of the people, whenever it should appear advisable. It was also agreed that these representatives should be chosen from the militia districts, by the people themselves; and that when assembled for counsel and debate, their decision should be binding on

* This exception was made, partly because the provincial assemblies of New York and North Carolina had not yet officially recognized the measures of resistance adopted in the other colonies, and partly through the intercession of Governor Tryon, of New York, formerly the governor of North Carolina.—See Jones' Defence of the Revolutionary History of North Carolina, p 152, et seq.

the inhabitants of Mecklenburg."* The proclamation of Governor Martin, the *last* royal governor, dissolving the *last* provincial assembly that met in North Carolina, because its members could not be rendered subservient to his wishes, which was issued on the 8th of April, and the consequent excitement, seemed to present the emergency contemplated by the citizens of Mecklenburg.

Accordingly, Colonel Polk issued his summons calling upon the committee-men to assemble in Charlotte, the county town, on the 19th day of May, 1775. Promptly obeying the call, between twenty and thirty of the most respectable and influential citizens of Mecklenburg, being the delegates chosen in the several districts, met in council at the appointed time. The occasion, also, called together a large concourse of citizens, who did not directly participate in the proceedings, although heartily concurring in them. Of this convention Abraham Alexander was made chairman, and John McKnitt Alexander officiated as clerk. After the organization was completed, papers, brought by express that day, were read in the presence of the assembled multitude, announcing that the first blood of the Rovolution had been shed at Lexington.

The effect of this announcement was electrical. Every pulse throbbed high with patriotism,—every heart swelled with honest indignation. One general cry was raised in favor of declaring themselves forever independent of a government that paid no heed to their just complaints, and sought to chastise them into submission. Resolutions tantamount to a declaration of independence, prepared by Dr. Ephraim Brevard, were then read to the

* Foote's Sketches, p. 34.

Convention, and referred to a committee consisting of their author and William Kennon, Esq., and the Rev. Hezekiah James Balch, for revision. Eloquent speeches were also made by the members of the committee and other gentlemen. All the speakers concurred in expressing the opinion, that independence was both desirable and necessary; but in the course of the animated discussion, a serious difficulty was suggested. After the defeat of the "Regulators" by Governor Tryon, on Alamance creek, in 1771, the inhabitants of that section of the colony had been forced to take the oath of allegiance to the King of Great Britain; and the question was now asked, how could they absolve themselves from that allegiance? Various replies were made to this inquiry; some scouting at the idea, and others insisting that allegiance and protection were reciprocal, and when the latter was withdrawn, allegiance ceased.

At last one of the speakers carried his audience with him, by pointing to a green tree standing near the Courthouse, in which they were assembled, and at the same time saying—"If I am sworn to do a thing as long as the leaves continue on that tree, I am bound by that oath as long as the leaves continue. But when the leaves fall, I am released from that obligation."* But it was not thought advisable hastily to come to a determination. One night was therefore given for further reflection and consultation, and the Convention adjourned till the following day at noon.

All that night long, and during the following morning,

* Foote's Sketches, p. 37.

the town of Charlotte presented a strange scene of excitement. The step proposed to be taken was the great theme of discussion. Grave men deliberated upon it in the privacy of their homes; while their juniors collected in groups at the corners of the streets, to interchange their sentiments with more freedom, and with greater earnestness. When the time arrived for the reassembling of the Convention, the decision at which all had arrived, might have been read in the kindling eye and the firmly-compressed lip. The people had collected in still greater numbers from the surrounding country; and not the least interested among the spectators, were the wives and mothers of many of those who were foremost at this crisis, and who came there to encourage their husbands and sons by their kind words, and to cheer them with their smiles.

The resolutions of Dr. Brevard, as amended by the committee, were again read amid the most profound stillness. One universal "aye" was the response of the Convention; and after the adjournment, Colonel Polk, from the court-house steps, read to the intensely-excited crowd that gathered round him, the following resolutions embodying the Declaration of Independence:

THE MECKLENBURG DECLARATION.

"1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country—to America—and to the inherent and inalienable rights of man.

"2d. *Resolved*, That we, the citizens of Mecklenburg Coun-

ty, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

"3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God, and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual coöperation, our lives, our fortunes, and our most sacred honor.

"4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and appoint as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

"5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority,—he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz., a Justice of the Peace, in the character of a 'Committeeman,' to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony, in said county;—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province."

Loud cheers and other tokens of approbation followed the public reading of the resolutions by Colonel Polk; and when the people separated to return to their homes, their countenances and their actions indicated that they were well pleased with what had been done.

The authenticity of the Mecklenburg Declaration was for a long time questioned. The resolutions were published in the Cape Fear Mercury, and were characterized by Governor Martin, in a proclamation issued on the 8th day of August, 1775, as "a most infamous publication, * * * importing to be the resolves of a set of people styling themselves a committee for the county of Mecklenburg, most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and subversive of His Majesty's government."* Copies of them were likewise dispatched, by a special messenger, to the delegates of North Carolina in the Continental Congress, who approved of them in sentiment, but thought the step premature, and therefore did not present them to the body of which they were members, as they were requested to do.

Yet, from the local character of these proceedings, they did not attract public attention to as great a degree as they would otherwise have done, and consequently no mention was made of them in the histories of Ramsay and Marshall. Mr. Jefferson, in a letter written in July, 1819, in reply to one received from John Adams referring to an account of the Mecklenburg declaration then

* Jones' Defence, p. 185.

recently published, treated the whole matter as a hoax.* The publication of this letter, shortly after the decease of the writer, created considerable excitement in North Carolina, and particularly among the descendants of the revolutionary patriots of Mecklenburg county. Measures were finally taken by the legislature of the state to collate and arrange the documents relating to the Mecklenburg declaration, with such other testimony having reference to the subject as might be obtained. These were published under the direction of Governor Stokes, in 1831; and by them, and other publications which have subsequently appeared, the authenticity of the Mecklenburg proceedings is established beyond cavil or doubt.†

Mr. Jefferson was certainly mistaken. It can no longer be questioned that the citizens of Mecklenburg county were the first to declare their independence, as the province itself was the first to empower her delegates in Congress "to concur with the delegates of the other colonies in declaring Independency."‡ But it is unnecessary to calumniate the memory of Mr. Jefferson in order to render justice to North Carolina, as has been done by one of her writers.§ He was in error,—honestly so, as the playful tone of his letter to Mr. Adams most conclusively shows. The truth can harm no man; and that will not deprive him of one of his laurels, or detract in aught from his well-earned fame.

* Jefferson's Works, vol. iv. p. 314.

† Mecklenburg Declaration and Accompanying Documents, published under the authority of the General Assembly of North Carolina, Raleigh, 1831; Jones' Defence, p. 294, et seq.; Foote's Sketches, p. 33, et seq.; ibid., p. 204, et seq.

‡ Journal of the Provincial Congress, (Raleigh, 1831,) p. 12.

§ See Introduction to Jones' Defence.

Among the most active participants in the Mecklenburg proceedings, were THOMAS POLK and EZEKIEL POLK, the former of whom resided in the immediate vicinity of Charlotte, and the latter in the neighboring province of South Carolina, just over the border. They, with other prominent and influential men, appeared to take the lead in the movement, and their opinions and their action had great weight with their fellow-citizens.* "Tradition ascribes to Thomas Polk the principal agency in bringing about the Declaration;"† and it is said that an old resident of North Carolina, a Scotchman, being asked if he knew anything in relation to the matter, replied—"*Och, aye,* TAM POLK *declared Independence lang before anybody else!*"‡

The two Polks were brothers; and the Alexanders, the chairman and clerk of the Mecklenburg meeting, and Dr. Brevard, the author of the resolutions, were their near relatives. Thomas Polk was the great uncle, and Ezekiel Polk the grandfather, of JAMES K. POLK, the late President of the United States. The founder of the Polk family in America was Robert Polk. His ancestors were of Scotch origin. They were among the colonists who settled in Ireland, and the family name is obviously the Irish corruption of Pollock. Robert Polk was born in Ireland, and was the fifth son of Robert Polk the elder, a native of the same country, who married Magdalen Tusker, the heiress of a considerable estate.

Robert Polk, the younger, married a Miss Gullet, by

* Mecklenburg Declaration and Accompanying Documents, p. 16.
† Jones' Defence, p. 295. ‡ Mecklenburg Declaration, &c., p. 26.

whom he had several children; and among them were Thomas and Ezekiel Polk. Soon after his marriage—probably between 1735 and 1740—he removed to America with others of the Scotch Irish immigrants, and established himself in Somerset County, on the Eastern Shore of Maryland. Some of his descendants are still to be found in that state; and they were known for many years, in Somerset, as the republican, or democratic family, because they were the only persons in the county occupying prominent positions in society, whose political sentiments were of that complexion. Other members of the family, including Thomas, Ezekiel, and Charles Polk, followed the current of emigration which swept onward to the base of the Alleghanies, and located temporarily in the neighborhood of Carlisle, in Pennsylvania. From thence the three brothers, Thomas, Ezekiel, and Charles, removed to the southwestern frontier of North Carolina, about the year 1750, and settled in the county of Mecklenburg, then a part of Anson county, in the rich champaign country watered on the one hand by the noble Yadkin, and on the other by the romantic Catawba. Ezekiel subsequently changed his residence to South Carolina.

The citizens of Mecklenburg county were not unmindful of the pledges they had given, mutually among each other, to maintain, at every hazard, the independence which they had declared; and when the tide of war rolled thitherward, and their borders were harried with fire and sword, they remained firm and steadfast in their adherence to the cause they had espoused. In the contest for independence the Polks were especially conspicuous.

Thomas being the eldest, he was naturally looked up to as the head of the family, and was put forward more prominently: he was a delegate to the Provincial Congress, colonel of the second battalion of minute-men raised in Salisbury district, the commanding officer of the militia of Mecklenburg county, and afterwards colonel of the fourth North Carolina regiment in the Continental service. But Ezekiel was not a whit behind his brother in zeal and devotion; his support of the cause was as earnest and disinterested, his attachment to it as honest and sincere. In May, 1775, he received a captain's commission from the authorities of South Carolina, upon the recommendation of the Provincial Congress, and immediately thereafter raised a volunteer company of Rangers, who were employed against the Cherokee Indians and the Tories. So faithfully did he execute the duties required of him, that he became particularly obnoxious to the latter, and when the country was overrun by Cornwallis and his troops, he found it necessary to "take protection," in order to save himself, his family and his property, from their vengeance.

Charlotte and the adjacent country had long been regarded by the British officers in command at the South, as the harboring-place of "traitors and rebels;" and when the Whigs of the lower counties in the two Carolinas were forced to flee before the myrmidons of Rawdon and Tarleton, they were sure to be welcomed here with open hands and hearts. After the disastrous battle of Camden, in 1780, Lord Cornwallis established the headquarters of his army at Charlotte, which he termed the "hornet's nest," and "the hotbed of rebellion." He

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quartered his troops in the dwellings of its inhabitants, and fed them on the provisions and supplies forcibly taken from their stores.

A dark cloud seemed at this moment to obscure the fortunes of America. Nearly all the states south of the Potomac were overrun by the royal troops, and their Tory allies were murdering and pillaging with impunity. "The British army was chiefly subsisted by plundering the Whigs, and a system of confiscation was adopted to transfer their real estate to their Tory neighbors by forced sales, the meagre proceeds of which went into the military chest. Stimulated by revenge and encouraged by example, it is not surprising that the Tories filled the country with rapine and blood. The farms of Whigs supposed to be in arms, were ravaged, their houses rifled and burned, and their wives and children turned out to perish, or subsist on charity, which dared not let the left hand know what the right hand did, lest it should be punished as a crime. If a husband and father ventured to look after his houseless flock, he was waylaid and murdered. Prisoners were hanged or shot down in cold blood, and even members of the same families became the unrelenting executioners of each other. * * * The laws were literally silent, and there were no courts to protect property or punish crime. Men hunted each other like beasts of prey, and the savages were outdone in cruelties to the living and indignities on the dead."*

It was in this hour of gloom, that many of the best and truest patriots in the land "took protection," as it was

* Kendall's Life of Jackson, pp. 42, 44.

called, of the invader. This was not in the nature of an oath of allegiance, but simply a pledge not to molest the British troops while occupying a particular section of the country, in consideration whereof, protection was to be afforded against the Tories, and the spoliations of foraging parties. It was never considered to be an impeachment of a man's fidelity to the colonial cause, that he "took protection;" it was often done, in an emergency, from the best of motives,—the safety of one's family and home; it was done by the noble martyr Hayne, and no stain rests on his memory. Indeed, it was the highest evidence of patriotism, for no one suspected even of a leaning towards Toryism needed to "take protection."

The citizens of Mecklenburg county and the adjacent country, were the first to renounce their allegiance and declare themselves forever independent of the British crown. To that declaration they adhered in and through all. They "took protection," it is true, when the foot of the victorious Briton was planted upon their hearth stones. But they never despaired of the republic,—they never faltered in their faith: and one of the ablest and most untiring of their persecutors has borne willing and repeated testimony to the fact, that their patriotism, from first to last, was ardent and sincere.*

* Tarleton's Campaigns of 1780 and 1781, p. 159, et seq.—See, also, Steadman's History of the American War, vol. ii. p. 217, et seq.

CHAPTER II.

Birth of James K. Polk—His Parents—Their Children—Removal to Tennessee—Early Life and Character of James—Youthful Ambition—His Education—Enters the University of North Carolina—Character as a Student—Graduates—Honors bestowed upon him by his Alma Mater.

JAMES KNOX POLK was born in Mecklenburg County, North Carolina, on the second day of November, 1795, and was the oldest of ten children. His father was Samuel Polk, a son of Ezekiel Polk, before mentioned. His mother was Jane Knox, the daughter of James Knox, after whom her oldest son was named, a resident of Iredell County, North Carolina, and a Captain in the war of the Revolution.

His parents were married in 1794. Besides the late President, they had five sons and four daughters. Three of the latter are now living. Of the sons, Marshall T. married and settled in North Carolina, and died there; Franklin, John, and Samuel W., all died unmarried; and William H., appointed by President Tyler, in 1845, Chargé d'Affaires to the Kingdom of the Two Sicilies, and a major of the 3d dragoons during the war with Mexico, now resides in Columbia, Tennessee.

Samuel Polk, the father, was a plain, unpretending farmer, but of enterprising character; from necessity and inclination, frugal in his habits and style of living, yet kind and generous in disposition. "Thrown upon his own resources in early life, he became the architect of

his own fortunes."* Immediately after the close of the Revolution, a strong tide of emigration set in from Mecklenburg and the adjoining counties, and flowing over the Mountains, rolled down upon the ranges of grassy hills, the undulating plains, the extensive reaches of grazing land, and the fertile valleys of Tennessee. Attracted by the glowing accounts, given by the first settlers and adventurers, of the beautiful daughter of his native state, Samuel Polk formed a determination to remove thither with his family; and if honesty of purpose, enterprise and industry, could accomplish that end, to achieve a competence for himself, and those who looked up to him for support and protection.

From one cause or another the fulfilment of his design was postponed till the autumn of the year 1806, when, accompanied by his wife and children, he followed the now well-trodden path of emigration that conducted him to the rich valley of the Duck river, one of the principal tributaries of the Tennessee. Here, in the midst of the wilderness, in a tract of country erected in the following year into the County of Maury, he established his new home. His example was imitated by all the Polk family in North Carolina, who, with the exception of one branch, "emigrated, and cast their lot in with the bold spirits that sought a home in the great valley of the Mississippi."†

Having purchased a quantity of land, Samuel Polk employed himself in its cultivation; following, at intervals, the occupation of a surveyor. By dint of patient

* Democratic Review, May, 1838.
† Foote's Sketches, p. 309.

industry and economy, and by his untiring and energetic perseverance, he acquired a fortune equal to his wishes and his wants. He lived to behold the country around him become flourishing and prosperous; to see its dark forests pass away like some vision of enchantment, and its broad plains and valleys blooming with fruits and flowers, and teeming with the luxuriant produce of a fertile soil. He lived to witness the brilliant triumphs of his first-born son in his professional career, and to mark his manly bearing as he advanced with rapid strides on the pathway to greatness and fame. Respected as one of the first pioneers of Maury, and esteemed as a useful citizen and an estimable man, he finally closed his life at Columbia in 1827. His wife, a most excellent and pious woman, afterwards married a gentleman by the name of Eden, and is now living in Columbia, loved and revered by all who know her, and can appreciate her many virtues and her worth.

Her son James, the subject of this memoir, passed his boyhood in the humble position in life which his parents occupied. The lessons that he learned in this school were never forgotten. Here was formed his manly and self-reliant disposition: here were imbibed those principles of economy, industry, integrity and virtue, which adorned his ripened manhood. He was by no means a stranger to what,—unless, as in his case, accompanied by a happy and contented heart,—is the drudgery of daily toil. He assisted his father in the management of his farm, and was his almost constant companion in his surveying excursions. They were frequently absent for weeks together, treading the dense forests and traversing the rough

cane-brakes which then covered the face of the country, and exposed to all the changes of the weather, and the dangers and vicissitudes of a life in the woods. On these occasions, it was the duty of James to take care of the pack-horses and camp equipage, and to prepare the scanty and frugal meals of the surveying party.

When a lad, he was strongly inclined to study, and often busied himself with the mathematical calculations of his father. He was very fond of reading, and was of a reflective turn of mind. In the imperfect and indistinct lines of early youth were to be traced the tokens of the man,—the certain indices of the future fixed and permanent character. Not indifferent to the sports and pastimes of boyhood, he engaged in them, not for amusement merely, but for the recreation they afforded, for the light and joy they brought to his heart. To obtain a liberal education was his chief desire, and a profession was the great end at which he aimed. His habits, formed by the moulding hand of his exemplary mother, peculiarly fitted him for success in the sphere toward which his thoughts were directed, and on which his hopes were fixed.

He was correct and punctual. He had industry and application. He had true native talent,—not the false gem that may dazzle and sparkle, and when brought to the test, appears mean and contemptible; it was the pure diamond, borrowing not its lustre, but containing light within itself. He had earnestness of purpose, subdued, perhaps, in expression, but, nevertheless, "the strong passion, which," said the philosopher of Vorė,* "rescu-

* Helvétius.

ing us from sloth, can alone impart to us that continuous and earnest attention, necessary to great intellectual efforts." He possessed genius, also,—

> "the voice within,
> That ever whispers, 'Work and win!'"

He had perseverance and ambition,—and these are traits which all the wealth of the Rothschilds cannot call into existence, where nature herself has not planted the seeds. What have they not achieved? What can they not accomplish? In the three hundred and sixtieth year before the Christian era, the Athenian people for the first time acknowledged the great mental powers, and the enthusiastic and soul-stirring eloquence, of the orator of Pæania. More than eight years had elapsed since he had made his début in the Assembly, when the weakness of his voice, his harsh and careless style, and his ungraceful gesticulation, had brought on him the ridicule of his fellow-citizens. History informs us, that one kind friend stood by him in this crisis of his fortunes, and inspired and cheered him on to new efforts;—might she not have added, that a voice in his heart continued to speak words of consolation and encouragement, in those anxious years of his probation?—that in the long, wearisome nights, he devoted to study and toil, in his secret retreat, one sweet, familiar spirit, smiled hopefully on Demosthenes, and pointed his way, clearly and distinctly traced, though devious and difficult, to that bright hour which witnessed the full fruition of his fame?

The history of the world-famed "folly" of Fulton has been handed down to us as containing an instructive moral,

and a truthful lesson, which deserve to be remembered. We can now smile at the incredulity of the gaping and doubting crowd that assembled to behold his triumph over the great motive power which he had subjected to his will; or at the mirth-moving astonishment of those who dwelt on the banks of the Hudson, and trembled with fear when they saw the flaming vessel plowing the waters "like a thing of life." But who can tell, how Herculean were the efforts of our countryman's genius and perseverance; how diligently and patiently they toiled in the vast laboratory of discovery, without recompense or reward save their hopes for the future, to forge those mighty links that now bind nations and continents together.

Most appropriately has the temple of Fame been represented as adorning the embattled crest of some lofty and rugged eminence,—clouds and darkness hovering around its base, and "eternal sunshine" resting in loveliness and beauty on its summit. Under all circumstances, the ascent is tedious and difficult. Delilahs there are, who beset the aspirant at every step, and seek to woo him from his enterprise by their soft blandishments; sweet Paphian bowers by the wayside invite him to repose, and groves of perfumed trees send forth their Sabean odors to intoxicate the mind and soul. All these influences must be disregarded at once and forever. "Onward and upward" must be the motto to arouse the flagging spirit, to restore the drooping energies, to inspire to renewed exertion, to cheer in every trial, and to soften the pang of every disappointment. The struggle may be arduous and protracted; but the recompense is sure and certain. It may be deferred for long, but, sooner or la-

ter, the reward will come. Youthful Ambition, rightly directed and encouraged, never lacks the will, and while life is spared, it knows no such word as "fail!"

In the infancy of the State of Tennessee, as is always the case in new settlements, the opportunities of instruction were quite limited. The father of young Polk was not in affluent circumstances, though able to give all his children a good education. He regarded with favor the natural bent and inclination of his son's mind toward study, and kept him pretty constantly at school. Though afflicted for many years by a painful affection, from which he was only relieved by a surgical operation, James had been completely successful in mastering the English studies usually taught, when his health began to give way. Fearing that his constitution had become so much weakened as to unfit him altogether for a sedentary life, his father, not without many an earnest remonstrance from his son, placed him with a merchant, with the view of fitting him for commercial pursuits.

This was a severe blow to James. All his dearest hopes seemed about to be prostrated forever. He had no taste for the new duties that devolved on him, and their performance was irksome to him in the extreme. He had an antipathy, of which he could not divest himself, to the mercantile profession, almost as great as that of John Randolph, who could not endure "a man with a quill behind his ear." After remaining a few weeks with the merchant, James obtained the permission of his father, by much entreaty and persuasion, to return home; and in the month of July, 1813, he was placed under the tuition of the Rev. Dr. Henderson. Subsequently he was

sent to the Murfreesborough Academy, then under the superintendence of Mr. Samuel P. Black, one of the most celebrated classical teachers in Middle Tennessee.

Henceforward there were no obstacles in the way of his obtaining the education he so ardently desired. In less than two years and a half he prepared himself thoroughly for an advanced class in college; and in the autumn of 1815, being then in his twentieth year, he entered the University of North Carolina, at Chapel Hill, at the beginning of the sophomore year. This venerable institution, at which so many of the most distinguished statesmen, and the most eminent divines, in the Southern part of the Union, have been educated, was then under the charge of the Rev. Dr. Joseph Caldwell, "justly styled the father of the University."* Colonel William Polk, late of Raleigh, and the first cousin of the father of President Polk, was also one of the most influential and active of the trustees, and had been such from about the time of the first establishment of the institution.

At the University, Mr. Polk was most exemplary in the performance of all his duties, not only as a member of college, but also of the literary society to which he belonged. He was punctual and prompt in every exercise, and never absent fromr ecitation or any of the religious services of the institution. So high was his standing, so remarkable his character, in this respect, that one of his classmates, who was something of a wag, was in the habit of averring, when he desired his hearers to place confidence in his assertions, that the fact he stated,

* Foote's Sketches, p. 530.

was "just as certain, as that Polk would get up at the first call."

He was no superficial student; he was perfect and thorough in everything he undertook. He well understood the difference between true merit and pretence. Untiring assiduity and close application characterized him throughout his whole collegiate course. Of the exact sciences he was passionately fond, though he was also an excellent linguist. At each semi-annual examination he bore away the highest honors, and at the close of the junior year the first distinction was awarded to him and Ex-Governor William D. Moseley, of Florida. He graduated in June, 1818, with the highest distinction, which was assigned to him alone, as the best scholar in both the mathematics and classics, and delivered the Latin Salutatory Oration. The second distinction, at this commencement, was awarded to William M. Green, who delivered the valedictory, and was afterwards Professor of Rhetoric and Logic in the University, which station he resigned in 1849 to enter upon his duties as Bishop of the Episcopal Church in the Diocese of Mississippi.

Mr. Polk did not forget his Alma Mater amid the busy scenes, the turmoil and confusion, of his active life; nor did she lose sight of one who reflected so much credit upon her, in every station that he filled. He often revisited her shrine, and attended the pleasant reünions of the Mother and her sons; and at the annual commencement, in June, 1847, the honorary degree of Doctor of Laws was conferred upon him, together with John Y. Mason, late Secretary of the Navy, of the class of 1816, and Willie P. Mangum, of the Senate of the United

States, and a member of the class of 1815,—a compliment, in each instance, most richly deserved, by good scholarship and correct deportment while in college, and by ability and fidelity displayed in the public service.

CHAPTER III.

Commences the Study of the Law in the Office of Felix Grundy—Secures the Friendship of Andrew Jackson—Admitted to the Bar—Success in the Practice of his Profession—His Political Associations—Style and Manner as a Public Speaker—Chief Clerk and Member of the Tennessee Legislature—Duelling Law—Internal Improvements—His Marriage—Mrs. Polk.

When Mr. Polk left the University, his health was considerably impaired by his constant and unremitting application to his studies. But the hopes and aspirations of youth, like the waters of the magical fountain which Ponce de Leon so longed to discover, are famed for their restorative powers; and the mind, as the body, in the spring-time of life, contains within itself a host of recuperative energies. A few months of relaxation and respite from study, were sufficient fully to restore him; and the choice of a profession was then to be considered and decided. This was not at all difficult. His thoughts had long been directed toward the law, and each succeeding year had served to confirm and strengthen the desire which he had half formed ere the time came for sober and serious reflection.

His final determination was made in accordance with his previous inclinations; and at the beginning of the year 1819, he entered the office of Felix Grundy, at Nashville. Mr. Grundy was then in the zenith of his fame—at the head of the Tennessee bar—enjoying the

professional honors and rewards which continued to flow liberally upon him—and with the laurels he had won on the floor of the House of Representatives of the United States in defence of the war measures of President Madison, blooming freshly on his brow. In him Mr. Polk found not only a legal preceptor whose rich stores of learning were freely opened for his profit and instruction, but "an experienced Nestor," whose counsel and advice guided and directed his footsteps aright, upon the same road once travelled by himself, to the distinction and eminence which he had attained. He found him, also, a warm and sincere friend, who admitted him to his confidence and his heart, who sympathized with him over the difficulties that attended his first efforts to master the black-letter of his profession, who watched his progress with paternal solicitude and care, and who rejoiced most heartily at the success that rewarded his exertions. A friendship sprung up between them, cherished on the one side with all the ardor and disinterestedness of youth, and on the other, though less lavish, perhaps, in professions, marked by the calm and deep earnestness of age: it stood the test of years, and the changes of time and circumstance, and it was severed only by death, the great destroyer of human hopes and human ties.

Beside being the favorite student of Mr. Grundy, it was the good fortune of Mr. Polk, during his residence at Nashville, to attract the attention and to win the esteem of one who bound his friends to him with hooks of adamant, and whose favor could not be too highly prized; of one whose influence over him, powerful though it was, was at all times voluntarily and cheerfully acknowl-

edged; of ANDREW JACKSON, the gallant defender of New Orleans, already occupying a proud position among the great men of the nation.* Both preceptor and pupil were ever welcome guests at the Hermitage; both contributed, in after years, to the elevation of its occupant to the highest station in the land, and, the one in the Senate, and the other in the House, sustained and defended his administration against whomsoever assailed it, in storm and in sunshine, from its commencement to its close. General Jackson was always warmly attached to Mr. Polk: he looked upon him something in the light of a *protégé*, and took a deep interest in his political advancement. His feelings were often manifested in a manner that could not be mistaken, and particularly so at the presidential election in 1844, when, though trembling on the verge of the grave, he appeared at the polls, and deposited his ballot in favor of the republican candidates, James K. Polk and George M. Dallas.

Within two years from the time he entered the office of Mr. Grundy, Mr. Polk had made sufficient progress in his legal studies to entitle him to an examination, and near the close of 1820 he was regularly admitted to the bar. He now returned to Maury County, and established himself in practice at Columbia, among the companions of his boyhood, who had grown up with him to man's estate,—among those who had known and esteemed him

* Recollections of the past undoubtedly aided to strengthen the friendship of General Jackson for Mr. Polk. When the former was obliged to fly with his mother and brother before the army of Cornwallis, in the war of the Revolution, they took refuge in Mecklenburg County, and resided for some time with the neighbors and friends of Mr. Polk's father and grandfather.—Foote's Sketches, pp. 199, 476.

from his earliest years. His advantages were great, in consequence of the connection of his family, by the ties of blood or of friendship, with most of the old inhabitants and their descendants. His success, therefore, was equal to his fondest hopes; yet this may be attributed far more to his personal qualities and conduct, than to any adventitious circumstances. "A republican in habits as well as principles, depending for the maintenance of his dignity upon the esteem of others, and not upon his own assumption, his manners conciliated the general good will. The confidence of his friends was justified by the result. His thorough academical preparation, his accurate knowledge of the law, his readiness and resources in debate, his unwearied application to business, secured him, at once, full employment, and in less than a year he was already a leading practitioner. Such prompt success in a profession where the early stages are proverbially slow and discouraging, falls to the lot of few."*

As a lawyer he was no more a sciolist, than he had been as a student in college. His learning was thorough and profound. Perfectly familiar with the lore of his profession, and prompt and accurate in judgment, his clients were accustomed to place the utmost reliance on his opinions. In the trial of causes he was wary and skilful, but frank and honorable; he disdained to avail himself of tricks or technicalities, but he never suffered his opponent to obtain any advantage through his own carelessness or neglect. In addressing a jury he was always animated and impressive in manner, though his language

* Democratic Review, May, 1838.

was impassioned or argumentative, as the occasion required. He was a close logician, an able reasoner; and in the argument of legal questions, he wielded the club of Hercules. His reputation was not confined to Maury alone; it extended to the adjoining counties, and throughout the state. Wherever he was known he was respected and esteemed for his talents, his courtesy, his kindness and generosity of heart, his uprightness and integrity; and this favorable estimation in which he was held, was no reluctant acknowledgment, yielded, like the bounty of the miser, sparingly and with regret, but a voluntary tribute to his worth.

Mr. Polk remained at the bar, it may be said, up to the time of his election as governor of Tennessee, but for several years he devoted himself exclusively to the laborious duties of his calling, constantly adding to his practice and his reputation, and annually reaping a rich harvest of professional emoluments. Though "there were giants in the land," he stood in the front rank among his cotemporaries. During some portion of this period he was associated with other practitioners in business, and at other times he was alone. Among his law partners were Aaron V. Brown, of Pulaski, for some years a representative in Congress from the sixth district (Tennessee) and governor of the state from 1845 to 1847, and Gideon J. Pillow, a major-general in the army during the war with Mexico.

Allusion has been already made to the politics of that branch of the Polk family who remained in Maryland. Those who migrated to North Carolina entertained similar sentiments. The father of the late President also

belonged to the Jeffersonian school; he supported its founder in the great contest of 1800, and up to the close of his life was the firm and consistent advocate of republican principles. The associations of Mr. Polk himself, in early life, and while he was reading law, naturally inclined him to adopt the same opinions; but the convictions of his matured judgment accorded with and approved them.

It is rarely the case, in this country, that the politician and the lawyer are not united in one and the same person; and Mr. Polk was not an exception to this general rule. As soon as he became a voter he attached himself to the republican party, and after his admission to the bar, was an active participant in the political contests of that day. His style and manner as a public speaker were eminently calculated to win the favor of a popular assembly, and he was often sent for many miles from his home to address the meetings of his party friends. His reputation in this respect was unrivalled, and it was ultimately conceded by men of all parties, that he richly merited the distinction generally awarded to him, of being the "Napoleon of the Stump" in Tennessee.

In his political harangues, however, he did not deviate from the ruling principle of his life,—to seek for the useful rather than the ornamental. He charmed his hearers, not by frothy declamation, but by his plain and practical common sense. He captivated and interested them by his sincerity, and led them imperceptibly to adopt his conclusions, by the simple beauty and cogency of his arguments, and his pertinent and forcible illustrations. He aimed to convince, not merely to produce an impression

favorable to the speaker. His elocution was rapid, but fluent, his address easy, yet dignified; his manner earnest, often enthusiastic. Though naturally reserved in his disposition, he occasionally indulged himself in a playful sally of wit. But his language was always singularly correct and chaste; he sought for none of the flowers of rhetoric, no brilliant figures or high-wrought metaphors, but regarded them as equally deceptive and unsubstantial with the dew-drops that sparkled at his feet, and which disappeared in the first hour of sunshine. He expressed himself in the good old idioms of his mother tongue, which he found to harmonize so well with his own sentiments, and with the honest independence and straightforward character of the freemen whom he addressed.

In private life, too, in his social habits, he was fitted by nature to win "troops of friends." His daily walk and conversation were blameless. He had none of the low arts or tricks of the demagogue. He was affable and polite; maintaining the dignity of his position, without exhibiting the arrogancy that wounds. He was not, like the Parisian, "a democrat when on foot, and an aristocrat when in his carriage." The welfare of his friends and neighbors was at all times a matter of importance in his estimation; and whenever it was proper for him to interfere, he interested himself in their commonest concerns, in the kindest and most sympathizing manner. Friendly words and smiles seemed to cost him nothing; they came to his lips unbidden, and lighted up his cheek without an effort.

Possessing all these advantages of mind and disposi-

tion so necessary to success in an aspirant for political honors; deep-rooted in the affections of a large circle of admiring friends; the pride and the hope of the party to which he belonged, he entered public life at an early age. His first employment in this character was that of chief clerk to the house of representatives of the Tennessee legislature; and in the summer of 1823, in accordance not more with his own desire than with the wishes of his friends, he took the stump against the former member of that body from Maury. A most formidable opposition was encountered, but after an animated canvass he secured his election by a heavy majority.

He remained in the legislature for two successive years, being justly regarded as one of the most talented and promising members. His ability and shrewdness in debate, his business tact, his firmness and industry, secured him a high reputation. Most of the measures of the then President, Mr. Monroe, received his unqualified support and approbation, and he was ardently desirous that the successor of the former should be one who had no sympathy for the latitudinarian doctrines with reference to the constitution which appeared to be gaining ground. Animated by this motive, he approved of the nomination of Andrew Jackson for the Presidency, made by the Tennessee legislature in August, 1822; and in the autumn of the following year, he contributed by his influence and vote to the election of his distinguished friend to the Senate of the United States.

While a member of the General Assembly, Mr. Polk succeeded in procuring the passage of a law designed to prevent duelling. Though residing in a section of the

Union where this mode of vindicating one's honor when assailed has ever been sustained by the general sense of the community, oftentimes in opposition to positive enactments, he was never concerned in a duel, during his whole life, either as principal or second. This was the more remarkable, because of the many stormy epochs in his political career. His aversion to duelling did not proceed from constitutional timidity; he was utterly opposed to the practice, from principle; and though he made no unbecoming parade of his sentiments, he did not care to conceal them. No one ever invaded his personal rights without finding him prepared to defend them. Never giving an insult himself, he was not called upon to render satisfaction; and if indignity were offered to him, it was resented by the silence that indicated his contempt, or the prompt rebuke that carried with it punishment enough. He could not imbrue his hands unnecessarily in the blood of his fellow-man; but he possessed true moral courage—that bravery of soul which prompted him to do right.

Mr. Polk always doubted the power of the general government to make improvements in the States; and his doubts ultimately became absolute denials of the right. He concurred, however, with Mr. Monroe, in the belief that such improvements were desirable, and that it would be proper to amend the Constitution so as to confer the power, although, in the absence of such an amendment, they might be carried on with the consent of the States in which they were located.* When, therefore, the Pres-

* Special Message of Mr. Monroe, May 4th, 1822.

ident so far yielded to those of his friends who had long vainly attempted to persuade him to lend his countenance to an extensive system of improvements, as to give his consent to the act of 1824, authorizing surveys to be made of the routes of such roads and canals as he might deem of national importance, Mr. Polk looked upon the measure with favor; and in a speech delivered in the legislature on the 29th of September, 1824, on the bill to incorporate the Murfreesborough Turnpike Company, he expressed the opinion that such works ought properly to be constructed by the State or the general government, and added that, inasmuch as "the question with regard to the powers of the government to make internal improvements" had been settled at the previous session of Congress, "he thought it likely that the attention of the government might be directed to the object of extending the military road from New Orleans."

The views of Mr. Polk on this question of internal improvements subsequently underwent a change; and when he saw what great latitude had been taken under the constitution as it was, and how much danger there was to be apprehended from the undue enlargement of the power of the general government by the adoption of the proposed amendment, he took decided ground against any change, and exerted all his influence and authority to bring back the ship of state to her ancient moorings.

On the 1st day of January, 1824, Mr. Polk was married to Sarah Childress, the daughter of Joel Childress, a wealthy and enterprising merchant of Rutherford county, Tennessee. Mr. Childress was a native of Campbell county, Virginia, and married Elizabeth Whitsitt.

Mrs. Polk was well fitted to adorn any station. To the charms of a fine person she united intellectual accomplishments of a high order. Sweetness of disposition, gracefulness and ease of manner, and beauty of mind, were happily blended in her character. A kind mistress, a faithful friend, and a devoted wife,—these are her titles to esteem; and they are gems brighter and more resplendent than ever decorated a queenly brow. Affable, but dignified; intelligent, but unaffected; frank and sincere, yet never losing sight of the respect due to her position, she won the regard of all who approached her. Her unfailing courtesy, and her winning deportment, were remarked by every one who saw her presiding at the White House;* each one of her husband's guests was for the

* No excuse need be offered for the insertion in this place of the following well-told anecdote, having reference to an incident that transpired during a visit of the eloquent orator and eminent statesman, Henry Clay, at Washington, in the winter of 1848, which originally appeared in a public journal:—"Shortly before his departure from the Capital, Mr. Clay attended a dinner party, with many other distinguished gentlemen of both political parties, at the President's house. The party is said to have been a very pleasant affair—the viands were choice, the wine was old and sparkling—good feeling abounded, and wit and lively repartee gave zest to the occasion, while Mrs. Polk, the winning and accomplished hostess, added the finishing grace of her excellent housewifery in the superior management of the feast. Mr. Clay was of course honored with a seat near the President's lady, where it became him to put in requisition those insinuating talents which he possesses in so eminent a degree, and which are irresistible even to his enemies. Mrs. Polk, with her usual frank and affable manner, was extremely courteous to her distinguished guest, on whose good opinion, as of all who share the hospitalities of the White House, she did not fail to win.

"'Madam,' said Mr. Clay, in that bland manner peculiar to himself, 'I must say that in my travels, wherever I have been, in all companies and among all parties, I have heard but one opinion of you. All agree in commending, in the highest terms, your excellent administration of the domes-

time being her favorite; and none who beheld her moving in what seemed to be her appropriate sphere, will hesitate to join in the hope, that she may long be spared, like the wife of Madison, to perpetuate the memory of him whose name she bears, and to witness the impartial verdict which history will ere long record, in justice to his fame.

tic affairs of the White House. But,' continued he, directing her attention to her husband, 'as for that young gentleman there, I cannot say as much. There is,' said he, 'some little difference of opinion in regard to the policy of his course.'

"'Indeed,' said Mrs. Polk, 'I am glad to hear that *my* administration is popular. And in return for your compliment, I will say that if the country should elect a Whig next fall, I know of no one whose elevation would please me more than that of Henry Clay.'

"'Thank you, thank you, Madam.'

—"'And I will assure you of one thing. If you do have occasion to occupy the White House on the fourth of March next, it shall be surrendered to you in perfect order, from garret to cellar.'

"'I'm certain that——'

"But, the laugh that followed this pleasant repartee, which lost nothing from the manner nor the occasion of it, did not permit the guests at the lower end of the table to hear the rest of Mr. Clay's reply. Whether he was 'certain that' he should be the tenant of the President's mansion, or whether he only said he was 'certain that' whoever did occupy it would find it in good condition, like the result of the coming contest for the Presidency, remains a mystery."

CHAPTER IV.

Chosen a Member of Congress—Repeated Reëlections—Opposition to Mr. Adams' Administration—The Panamá Mission and the American System—Support of General Jackson and Mr. Van Buren—The Tariff Question—Internal Improvements—The Pension Laws—United States Bank—Independent Treasury.

In the spring of 1825, Mr. Polk offered himself to the electors of the sixth or Duck river district, in which he resided, as their candidate for Congress. At this time the subject of internal improvements was attracting unusual attention in Tennessee, owing, probably, to the examinations recently made by the Board of Engineers, under the act of 1824, of the country between the Potomac and Ohio rivers. Indeed, it was the only political question of importance,—except the manner in which General Jackson, whom Mr. Polk had ardently supported, had been defrauded, as was alleged by his friends, of the presidency,—that was then agitated or discussed; for, although there had been several candidates voted for at the late presidental election, they all claimed to belong to the same party.

The views of Mr. Polk, at this period, as has been intimated, were at least friendly, if not entirely favorable, to the construction of works of internal improvement by the national government. He had doubts and misgivings; but in accordance with what appeared to be the prevail-

ing sentiment throughout the Union, he felt inclined to yield them. In a circular letter addressed to his constituents, on the 10th day of May, 1825, he said: "How far the general government has power to make internal improvements, has been a question of some difficulty in the deliberations of Congress. It has been a question long and ably controverted by our wisest statesmen. It seems, however, to have been lately settled by the three great departments of the government in favor of the exercise of such a power. * * * The expediency of making internal improvements is unquestioned; it is only on the question of power that doubt has arisen. They are calculated to promote the agricultural, commercial, and manufacturing interests of the country; they add to the wealth, prosperity, and convenience of the great body of the people, by diminishing the expenses, and improving the facilities for the transportation of our surplus products to market, and furnishing an easy and cheap return of those necessaries required for our consumption. A judicious system of internal improvements, within the powers delegated to the general government, I therefore approve."

It is very evident from the general tenor of these extracts, and from the cautious mode of expression made use of by the writer, that he feared lest the powers of the general government should be unduly enlarged by a latitudinarian construction of the federal constitution; and as a thorough-going and consistent states'-rights man, he had a natural dread of conceding anything by way of implication. It is one of the faults, among the numberless blessings, of a written constitution, that those who orig-

inate it, and for whose protection it is, or should be framed, are sometimes lulled into a false security. Having thrown every conceivable safeguard around it, they are too apt to fancy themselves perfectly protected against the assaults of open or secret enemies. The greatest wrong a people can do, is to sleep on their rights, and by so doing, afford crafty and designing men the opportunity, but too frequently seized with avidity, of blinding and betraying them. The exercise of power by delegated agents is in its nature aristocratic, and like all aristocracies, seeks to increase its influence, and to perpetuate its existence. Nothing can be safely relied on to counteract these natural tendencies, but the closest care and scrutiny on the part of the principals who have delegated the power.

In a government constituted like ours, encroachments on the rights of the states by the national authorities, are always to be feared. Freemen as we are, each man individually a sovereign, proud of our independence, and of the privileges and immunities that have been handed down to us by our forefathers, we are too prone to forget that "eternal vigilance is the price of liberty;" that the first great duty which we owe to our country, to ourselves and our posterity, is to see that the purity of the government is maintained. Direct attempts to subvert the principles of the constitution—to overawe the free and full expression of the popular will; open and undisguised acts of tyranny and injustice, are rarely known among us, because their bearing is at once perceived and understood, and they are sure to be immediately resisted and condemned. Designing and ambitious men, however

unprincipled, rarely, if ever, resort to overt acts for the accomplishment of their deep-laid schemes. On the contrary, adopting the motto of Talleyrand, that "language is given to man to conceal his thoughts," their chief dependence is on their ability to hide their plans, and to practice successful deception. Their whole system of tactics is indirect in its operations; they do nothing directly,—they work secretly and in the dark. They never aim to secure an important position by a single bold stroke; everything is effected by a series of slow but sure advances. If they are able to bring about the adoption of a single measure, without attracting attention to the secret motives that originated it, another of the same purport, but a little stronger in its character, is certain to be proposed. These two secured, their authors are encouraged to prosecute their measures, in a regular gradation, till they reach the final result sought to be attained. That once accomplished, the victims may struggle vainly and ineffectually in the toils so cunningly devised to entrap them.

The history of the American government, and of its legislation in particular, abounds in illustrations that will confirm and enforce the correctness of these views. Although Mr. Polk, like many other young men belonging to the republican party, was disposed, in 1825, to adopt the impression that the authority to construct works of internal improvement was comprehended in the money-power conferred by the Constitution, further reflection and experience convinced him of his error.*

* Harbor and River Veto, August 3, 1846; Internal Improvement Message, December 15, 1847.

At the August election in 1825, he was chosen a member of Congress, by a most flattering vote. That he discharged his duties to the entire satisfaction of those whom he represented, is evidenced by the fact, that he was repeatedly returned by the same constituency, for fourteen years in succession, from 1825 to 1839. In the latter year he voluntarily withdrew from another contest, in which his success was not even questionable, in order to become a candidate for the office of governor of his adopted State.

Mr. Polk first took his seat in the House of Representatives, as a member of the 19th Congress, in December, 1825; being, with one or two exceptions, the youngest member of that body. The same habits of laborious application which had previously characterized him, were now displayed on the floor of the House and in the committee-room. He was punctual and prompt in the performance of every duty, and firm and zealous in the maintenance and advocacy of his opinions. He spoke frequently, but was invariably listened to with deference and respect. He was always courteous in debate; his speeches had nothing declamatory about them,—they were always to the point, always clear and forcible. So faithful and exemplary was he in his attendance upon the sessions of Congress, that it is said he never missed a division while occupying a seat on the floor of the House, and was not absent from the daily sittings for a single day, except on one occasion, on account of indisposition. Such punctuality is rarely witnessed in a legislator, and it deserves to be remembered.

John Quincy Adams had scarcely seated himself in the

chair of state, when he discovered that his position was environed with difficulties and embarrassments. As a member of Mr. Monroe's cabinet, he had advocated a liberal policy in regard to internal improvements, and a high protective tariff. In his inaugural address, he took bolder and more decided ground than he had hitherto done, and advanced views and doctrines utterly at variance with those cherished by the old republican party, and trenching closely on the federal platform of 1800. The friends of General Jackson, Mr. Crawford, Mr. Calhoun, and a portion of those who had supported Mr. Clay, immediately manifested a disposition vigorously to oppose the new administration, the tendency of which, as they maintained, was toward federalism and consolidation. This feeling was strengthened, when they discovered in the appointments to office, and in the manner in which all the important committees of the 19th Congress were constituted by the Speaker, a friend of Mr. Adams, the certain indications of an intention to build up a party with the President at its head, and to proscribe those who were supposed to be unfriendly to his reëlection. The measures of policy, too, which he recommended, were not approved by the great majority of the republican friends of Jefferson, Madison, and Monroe.

Immediately after the organization of the two houses of Congress, in December, 1825, the peculiar circumstances attending the election of Mr. Adams, through the influence and aid of Mr. Clay, were brought up in review. Amendments to the constitution were proposed in the Senate by Mr. Benton, of Missouri, providing for a direct vote by the people, in districts, for president, and dis-

pensing with the electoral colleges; and by Mr. McDuffie, of South Carolina, in the House, authorizing the electors to be chosen by districts, and containing provisions which would prevent the choice of president, in future, from devolving on the House of Representatives. Mr. Polk made his *début* as a speaker on this question, and advocated the amendment of the constitution, in such a manner as to give the choice of president and vice-president directly to the people. As one of the friends of General Jackson, he entered warmly into the subject, and his speech was characterized by what was with him an unusual degree of animation in addressing a deliberative body. It was also distinguished for its clearness and force, its copiousness of research, and the cogency of its arguments. Henceforth the way was clear for him. Among his associates were many of the ablest men in the nation, but an honorable position among them was cheerfully assigned to him.

Among the prominent recommendations of Mr. Adams, which Mr. Polk, with the other opponents of the administration, zealously resisted, were the Panamá Mission, and that class of measures, the chief features of which were an extensive system of internal improvements and a high protective tariff, usually comprehended under the general designation of "the American System."

The debate in the House of Representatives on the Panamá Mission, as the reader will not need to be reminded, arose upon the bill making the required appropriation for the purposes of the mission. Mr. Adams had appointed commissioners to attend a congress proposed to be held at Panamá, by delegates appointed by

the Spanish American states, who had in fact achieved their independence, though still nominally at war with the mother country. The object of this meeting was to form an alliance, defensive if not offensive, between the North and South American republics. Mr. Van Buren, Mr. Benton, and other leading republicans, in the Senate, opposed the confirmation of the appointments with great ability, but they were unsuccessful. They endorsed, to the fullest extent, the declaration of Mr. Monroe, "that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers;"* and they approved the authoritative announcement made by Mr. Rush to Mr. Canning, in 1823, that the United States would view any attempt on the part of France and the Continental Alliance to resubjugate the Spanish American states, "as a transcendent act of national injustice, and indicative of progressive and alarming ambition."†

But, it was contended, this proposition to appoint commissioners, and the conclusion of any league or alliance as anticipated, would be a departure from the established policy of the government; it would have the inevitable tendency to involve the United States in war with Spain, and eventually with other European powers having possessions in America that might be disposed to revolt; and they should content themselves with protesting against any future colonization. In these views Mr.

* Annual Message of Mr. Monroe, December 2, 1823.

† Rush's Residence at the Court of London, p. 430.

Polk concurred; and he subsequently had occasion officially to endorse the declaration made by Mr. Monroe.*

The whole question was freely discussed in the House, but a new point was here raised. It was insisted by the friends of the administration, as was contended by the federal party during the discussions on Jay's treaty, that the treaty-making power, and the management of the foreign relations of the government, belonged exclusively to the President and Senate; and that the House of Representatives had no constitutional right to deliberate upon, much less to withhold the appropriations necessary to carry a treaty into effect, or what might be required for a special mission of this character. This startling doctrine was denounced in unmeasured terms by Mr. Polk and those members who concurred with him in sentiment. He was quite prominent in the debates, and offered a series of resolutions on the subject, one of which was a reproduction of the doctrines of the republican party of 1798 in regard to the power of the House to refuse appropriations, and the other condemning the appointment of commissioners to attend the Congress at Panamá. These resolutions are here inserted:—

"*Resolved*, That it is the constitutional right and duty of the House of Representatives, when called upon for appropriations to defray the expenses of foreign missions, to deliberate on the expediency or inexpediency of such missions, and to determine and act thereon, as in their judgment may seem most conducive to the public good.

"*Resolved*, That it is the sense of this House, that the

* Annual Message, December 2, 1845.

sending of ministers, on the part of the United States, to take part in the deliberations of the Congress of South American nations, at Panamá, would be a total departure from the uniform course of policy pursued by this government, from the adoption of the Federal Constitution to the present period; and might, and in all probability would, have a tendency to involve the nation in '*entangling alliances*,' and endanger the neutrality and relations of amity and peace, which at present happily subsist between the United States and the belligerent powers—old Spain and the southern republics of this continent."*

Mr. Polk defended his resolutions, and enforced his views upon the question, in an able and argumentative speech. He maintained "that the proposed mission to Panamá was without a precedent in our history; was novel in its character, and, in his judgment, dangerous to the best interests of the country." "We are about to depart," he added, "from our ancient and plain republican simplicity, and to become a great and splendid government; new projects are set on foot: we are called upon by the President to change the whole policy of the country, as adopted by our fathers, and so happily pursued by their posterity down to the present period. He called on gentlemen, before they abandoned the present safe policy of the country, to ponder well what they are about to do." "The sound and sober judgment of the people of the United States," he further contended, "had not been brought up to the conclusion that we could in any event make common cause with the repub-

* Congressional Debates, vol. ii., p. 2166.

lics of the South, or involve ourselves in the calamities of war in their behalf: all our sympathies, all our good feelings, were with them: we wished them success: but self-preservation is the first law of nature and of nations: we were, then, as he hoped, we still were, unprepared to depart from our settled policy."*

"From this time, Mr. Polk's history," says an eloquent review of his course in Congress, "was inseparably interwoven with that of the House. He is prominently connected with every important question; and upon every one, as by an unerring instinct of republicanism, took the soundest and boldest ground. From his entrance into public life, his adherence to the cardinal principles of the democratic creed has been singularly steadfast. During the whole period of General Jackson's administration, as long as he retained a seat on the floor, he was one of its leading supporters, and at times, and on certain questions of paramount importance, its chief reliance. In the hour of trial he was never found wanting, or from his post. In December, 1827, two years after his entrance into the House, Mr. Polk was placed on the important Committee of Foreign Affairs, and some time after was appointed, in addition, chairman of the select committee to which was referred that portion of the President's message calling the attention of Congress to the probable accumulation of a surplus in the treasury, after the anticipated extinguishment of the national debt. As the head of this committee, he made a lucid report, replete with the soundest doctrines, ably enforced, deny-

* Congressional Debates, vol. ii., pp. 2475, 2489.

ing the constitutional power of Congress to collect from the people, for distribution, a surplus beyond the wants of the government, and maintaining that the revenue should be reduced to the exigencies of the public service.

"The session of 1830 will always be distinguished by the death-blow which was then given to the unconstitutional system of internal improvements by the general government. We have ever regarded the Maysville road veto as second in importance to none of the acts of General Jackson's energetic administration. It lopped off one of the worst branches of the miscalled 'American system.' Mr. Polk had assailed the bill before its passage with almost solitary energy; and one of his speeches,* in which he discusses the general policy of the 'American system' in its triple aspect of high prices for the public lands—to check agricultural emigration to the West, and foster the creation of a manufacturing population—of high duties or taxes for protection, and excessive revenue—and of internal improvements, to spend this revenue in corrupting the country with its own money,—should be perused by every one who wishes to arrive at sound views upon a question which has so much agitated the public mind. When the bill was returned by the President unsigned, a storm arose in the House, in the midst of which the veto was attacked by a torrent of passionate declamation, mixed with no small share of personal abuse. To a member from Ohio, whose observations partook of the latter character, Mr. Polk replied in an energetic improvisation, vindicating the patriotic

* On the Buffalo and New-Orleans road bill.

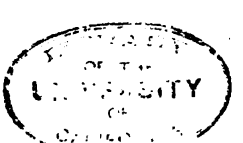
resolution of the Chief Magistrate. The friends of State rights in the House rallied manfully upon the veto. The result was that the bill was rejected, and countless 'log-rolling' projects for the expenditure of many millions of the public treasure, which awaited the decision, perished in embryo.

"In December, 1832, he was transferred to the Committee of Ways and Means, with which his connection has been so distinguished. At that session the Directors of the Bank of the United States were summoned to Washington, and examined upon oath, before the committee just named. A division of opinion resulted in the presentation of two reports. That of the majority, which admitted that the Bank had exceeded its lawful powers, by interfering with the plan of the Government, to pay off the three per cent. stock, was tame, and unaccompanied by pertinent facts, or elucidating details. Mr. Polk, in behalf of the minority, made a detailed report, communicating all the material circumstances, and presenting conclusions utterly adverse to the institution which had been the subject of inquiry. This arrayed against him the whole bank power, which he was made to feel in a quarter where he had everything at stake, for upon his return to his district, he found the most formidable opposition mustered against him for his course upon this question. The friends of the United States Bank held a meeting at Nashville to denounce his report. The most unscrupulous misrepresentations were resorted to, in order to prove that he had destroyed the credit of the West, by proclaiming that his countrymen were unworthy of mercantile confidence. The result, however,

was, that after a violent contest, Mr. Polk was reëlected by a majority of more than three thousand. Fortunately for the stability of our institutions, the panics which 'frighten cities from their propriety,' do not sweep with the same desolating force over the scattered dwellings of the country.

"In September, 1833, the President, indignant at the open defiance of law by the Bank of the United States, and the unblushing corruption which it practiced, determined upon the bold and salutary measure of the removal of the deposits, which was effected in the following month. The act produced much excitement throughout the country, and it was foreseen that a great and doubtful conflict was about to ensue. At such a crisis it became important to have at the head of the Committee of Ways and Means, a man of courage to meet, and firmness to sustain, the formidable shock. Such a man was found in Mr. Polk, and he proved himself equal to the occasion. Congress met, and the conflict proved even fiercer than had been anticipated. The cause of the Bank was supported in the House by such men as Mr. McDuffie, Adams and Binney, not to mention a host of other names. It is instructive to look back in calmer times, to the reign of terror, known as the Panic Session. The Bank with the whole commerce of the country at its feet, alternately torturing and easing its miserable pensioners as they increased or relaxed their cries of financial agony; public meetings held in every city with scarcely the intermission of a day, denouncing the President as a tyrant, and the enemy of his country; deputations flocking from the towns to extort from him a reluctant submis-

sion; Whig orators traversing the country, and stimulating the passions of excited multitudes, without respect even to the sanctity of the Sabbath; inflammatory memorials poured into Congress from every quarter; the Senate almost decreeing itself into a state of permanent insurrection, and proclaiming that a revolution had already begun; all the business of legislation in both wings of the capitol postponed to that of agitation and panic; an extrajudicial and branding sentence pronounced upon the chief magistrate of the nation, in violation of usage and of the constitution—these features present but a faint picture of the alarm and confusion which prevailed. Consternation had almost seized upon the Republican ranks, thinned by desertion and harassed by distracting doubts and fears. But the stern resolve of him whose iron arm guided the helm of state, conducted the perilous conflict to a successful issue. Nor should we forget the eminent services of the individual who presided over the Committee of Ways and Means. His coolness, promptitude, and abundant resources, were never at fault. His opening speech in vindication of the President's measure, contains all the material facts and reasons on the republican side of the question, enforced with much power, and illustrated by great research. To this speech almost every member of the opposition, who spoke upon the question, attempted to reply, but the arguments which its author brought forward to establish the power of the President under the constitution, as elucidated by cotemporaneous or early exposition, to do the act which had been so boldly denounced as a high-handed and tyrannical usurpation, could neither be refuted nor weakened.



Mr. McDuffie, the distinguished leader of the opposition in this eventful conflict, bore testimony, in his concluding remarks, to the boldness and manliness with which Mr. Polk had assumed the only position which could be judiciously taken. The financial portion of his speech, and that in which he exposed the glaring misdeeds of the Bank, were no less efficient. When Mr. McDuffie had concluded the remarks to which we have alluded, a member from Virginia, [Mr. Mason] after a few pertinent observations, demanded the previous question. A more intense excitement was never felt in Congress than at this thrilling moment. The two parties looked at each other for a space, in sullen silence, like two armies on the eve of a deadly conflict. The motion of Mr. Mason prevailed, the debate was arrested, and the division proved a triumphant victory for the republican cause. The Bank then gave up the contest in despair.

"The position of the Chairman of the Committee of Ways and Means, at all times a most arduous and responsible one, was doubly so at this session, which will form an epoch in the political annals of the country. Mr. Polk occupied it for the first time. From its organization and the nature of its duties, this committee must be at all times the chief organ of every administration in the House. At this session it was for obvious reasons peculiarly so. To attack it, then, was to strike at the government; to embarrass its action was to thwart the course of the Administration. Extraordinary and indiscriminate opposition was accordingly made to all the appropriation bills. It was avowed in debate, that it was

within the scope of legitimate opposition to withhold even the ordinary supplies until the deposits were restored to the Bank of the United States: that this restitution must be made, or revolution ensue. The Bank must triumph, or the wheels of government be arrested. The people should never forget the perils of a contest in which they were almost constrained to succumb. The recollection should warn them not to build up again a power in the State of such formidable faculties. The tactics which we have just described, threw great additional labor upon the committee, and particularly upon its chairman. Fully apprised of the difficulties he had to encounter, he maintained his post with sleepless vigilance and untiring activity. He was always ready to give the House ample explanation upon every item, however minute, of the various appropriations. He was ever prompt to meet any objections which might be started, and of quick sagacity to detect the artifices to which factious disingenuousness is prone to resort. All the measures of the Committee, including those of paramount importance, relating to the Bank and the deposits, were carried in spite of the most immitigable opposition."*

The same cordial and unhesitating support which Mr. Polk gave to the administration of General Jackson, he also yielded to that of Mr. Van Buren. Although, on account of his position as the Speaker of the House, he took no part in the discussions, he approved of all the prominent measures recommended by Mr. Van Buren, including the cession of the public lands to the states,

* Democratic Review, May, 1838.

the preëmption law, and the independent treasury, and exerted his influence to secure their adoption.

In regard to the tariff question, and the kindred measure of distribution for many years inseparably connected with it, his views were repeatedly expressed. In his report as chairman of the select committee on the surplus in the treasury, made at the session of 1827–8, he declared his preferences for a revenue tariff; and the opinion thus advanced was never changed. The revenue tariff which he favored was no mere will-o'-the-wisp, like Pitt's "treasury wonder," the sinking fund—but a practical, substantial reality; something which promised what it was intended to perform, and performed what it promised. To a tariff for protection merely, he was utterly opposed.

The encouragement of domestic production and home manufactures, has not only taxed the ingenuity of the law-makers of this country to the utmost; but it has also been the theme upon which fledgeling politicians and youthful legislators have expended a great deal of eloquence. A theory, correct and praiseworthy in the abstract, has been twisted and distorted into so many, and so various shapes, that it has now become almost impossible to recognize it in the unnatural garb which it has been forced to assume. The idea of preserving the integrity of our government, and of encouraging the formation of feelings and habits of self-reliance, so necessary in order to command the respect of foreign nations, by rendering our citizens independent of them for all necessary articles of consumption, was certainly a commendable one. Confined to its legitimate sphere, when

carried into practical effect, it could not have failed to advance the prosperity of the country, and, at the same time, add to the national strength and security. Its appropriate province was one of encouragement solely, and not of favoritism.

It was idle to anticipate any permanent beneficial results from an unwise interference with the natural and unchangeable laws of production, demand, and supply. A temporary inflation could be produced, by forcing business and trade into a different channel from that into which they ordinarily and properly flowed, but it was impossible to realize any substantial good from disregarding the instincts which they were inclined, through a law of their nature, to obey. The foundation of the tariff system in the United States, was wisely and prudently laid, under the auspices of the founders and leaders of the republican party. The causes which led to the enactment of the first law, providing for the imposition of duties on foreign importations, are obvious. At the time the Union was formed, both the government and the people were involved in debt. It was necessary that a revenue should be raised to defray the annual expenses, and discharge the liabilities of the nation.

No other source presented itself, that promised to be available, except a tariff on imports. This appeared to be the most feasible plan, and was therefore adopted. The sequel showed most clearly, that no better method could have been devised. The establishment of a revenue tariff system, in the strict sense of the word, while it yielded ample means for carrying on the operations of government, also afforded, incidentally, a proper degree

of encouragement to home industry and domestic manufactures. The subsequent development of our own natural resources, and the change in our condition, from a state of dependence on foreign countries for the necessities of life, to one of comparative independence, led to modifications and alterations in the system; which, for a long period of time, however, were made in conformity to the great principle on which the system was originally based. So long as the revenue idea was rigidly maintained, the country was prosperous, and no particular section was unduly favored; but when a new principle was introduced into the system, and protection became the controlling feature, instead of being secondary and subordinate to that of revenue, a different state of things was produced.

Mr. Polk approved of the act of 1816. He believed that the manufactures of the United States were in a prosperous condition under that act, "and for eight years intervening between the years 1816 and 1824; and also that the act of 1816 afforded them ample incidental protection."* When he entered Congress, he found the act of 1824 in force. The main object of this law was to afford additional protection to the iron manufactures of Pennsylvania, though other features far more objectionable, were embraced in it. Although Mr. Polk would have been willing to encourage the iron interest, then in its infancy, and struggling amid numerous embarrassments, so far as was consistent with a due regard

* Speech on the Bill reported by the Committee of Ways and Means at the Session of 1832–33.—Congressional Debates, vol. ix., p. 1170.

for the other interests of the country, he did not approve of this law. In 1827, a powerful rally was made by the friends of a high protective tariff in the Northern and Eastern States; the producers of wool, hemp, corn, and rye, in the Middle and Western States; and the iron manufacturers in Pennsylvania. At the first session of the 20th Congress, a bill was reported from the Committee on Manufactures, avowedly for protection. The struggle in regard to the details of the act was confined mainly to the different interests united in support of the measure, whose views were constantly clashing. Mr. Polk, and the members from the Southern States generally, resisted the passage of the bill at every step; but when he discovered any attempt on the part of the friends of Mr. Adams, which was frequently the case, to make political capital out of the measure, to the prejudice of General Jackson, upon whom the opponents of the administration had united as their candidate for the presidency, he made every exertion to prevent such a result.

The act of 1828, emphatically called "the bill of abominations," became a law, in opposition to the wishes and the vote of Mr. Polk. That it was an unwise and unjust measure, was the general verdict of the country; and one of its principal authors and supporters—one who did not lightly change an opinion—subsequently admitted, that he had committed "a great error" in advocating and voting for it.*

In 1832, Mr. Polk voted for the act of that year modifying some of the most objectionable provisions of

* Remarks of Silas Wright in the U. S. Senate, August 27th, 1842.

the law of 1828. But he was disposed to go much further than this. The evil that had been done, in his opinion, was not yet remedied. Though he did not favor in the least the nullification doctrines put forth in South Carolina, but approved of the noble and determined stand taken by General Jackson, and supported the force bill and other measures of like character; he felt that there was grave cause for blame. He therefore aided, as far as was in his power, to remove the grievances which had given rise to so many well-founded complaints. He gave his assent to the bill reported by the Committee of Ways and Means, at the session of 1832–33, making further reductions in the duties imposed by the law of 1832. This bill eventually gave place to the Compromise Act, which surrendered the principle of protection except as an incidental result, and for which Mr. Polk voted. With some of the details of this law he was not entirely satisfied, and at the ensuing session of Congress he favored an effort then made to modify it in some particulars; but its general features and principles he did not desire to disturb. He thought that "when the act was passed, every interest in the country stood pledged, in the most solemn manner, to adhere to and abide by it," and he hoped that "this agitated and disturbing subject was put at rest for a long term of years, if not forever."*

His wishes were not realized. When the reduction proposed by the compromise act reached its minimum, the revenue was found inadequate to meet the expenses of the government, and to discharge the public liabilities.

* Letter to the people of Tennessee, May 26th, 1843.

The Whig party being now in power, under the leadership of Mr. Clay, a high protective tariff law was passed, —a law equally objectionable in many respects with that of 1828, and like that, too, unequivocally condemned by the American people. Mr. Polk was not in Congress when the act of 1842 was passed; but he took an early occasion to make known his opposition to the law, in a letter addressed to the people of Tennessee, on the 26th of May, 1843, and during the gubernatorial canvass of that year, he expressed his sentiments ably and explicitly, in an eloquent speech to the people of Madison and the adjoining counties, delivered at Jackson, on the 3d day of April. From a synopsis of this speech, the annexed extracts are taken :—

"He took other views, briefly presented, of the subject, and proceeded to the discussion of the Protective Tariff act passed by the last Congress. He showed that it was a highly protective tariff, and not one for revenue. He showed that by the Compromise Tariff of 1833, the tax on no imported article was to exceed 20 per cent. upon its value after the 30th of June, 1842. No higher duty than 20 per cent. was imposed on any article after the 30th of June, 1842, until the 30th of August, 1842, on which latter day the present Tariff law was passed by a Whig Congress. The Whig Congress laid violent hands on the Compromise Act of 1833, and broke it up."

"It was clear, therefore, that the late tariff act was not a revenue measure. It had raised the rates of duty so high as to shut out imports, and consequently to cut off and diminish revenue."

"Judging from the amount of revenue received at the

Treasury, under the operations of the present Tariff act, for the last quarter of 1842, as already shown, it will not produce annually half the amount of revenue which would have been produced by the lower rates of the Compromise act, had that act been left undisturbed."

"He was opposed to direct taxes, and to prohibitory and protective duties, and in favor of such moderate duties as would not cut off importation. In other words, he was in favor of reducing the duties to the rates of the compromise act, where the Whig Congress found them on the 30th of June, 1842."

"The South, and he with them, had voted for the act of 1832, because it was a reduction of the rates of the act of 1828, though by no means so low as he would have desired it to be; still it was the greatest reduction which could be attained at the time of its passage."

"Distribution and a Protective Tariff—measures which I consider ruinous to the interests of the country, and especially to the interests of the planting states—I have steadily and at all times opposed."

When Mr. Polk became a candidate for the presidency, his opinions and views on the tariff question were much inquired after, and were frequently misrepresented. In order to prevent further misapprehension, he addressed the following letter to Judge Kane of Philadelphia, in reply to one previously received from that gentleman, making inquiries with reference to his sentiments:—

COLUMBIA, Tennessee, June 19th, 1844.

DEAR SIR:—I have received recently several letters in reference to my opinions on the subject of the tariff, and among others yours of the 30th ultimo. My opinions on

this subject have been often given to the public. They are to be found in my public acts, and in the public discussions in which I have participated.

I am in favor of a tariff for revenue, such a one as will yield a sufficient amount to the treasury to defray the expenses of the government economically administered. In adjusting the details of a revenue tariff, I have heretofore sanctioned such moderate discriminating duties, as would produce the amount of revenue needed, and at the same time afford reasonable incidental protection to our home industry. I am opposed to a tariff for protection merely, and not for revenue.

Acting upon these general principles, it is well known that I gave my support to the policy of Gen. Jackson's administration on this subject. I voted against the tariff act of 1828. I voted for the act of 1832, which contained modifications of some of the objectionable provisions of the act of 1828. As a member of the Committee of Ways and Means of the House of Representatives, I gave my assent to a bill reported by that Committee in December, 1832, making further modifications of the act of 1828, and making also discriminations in the imposition of the duties which it proposed. The bill did not pass, but was superseded by the bill commonly called the Compromise bill, for which I voted.

In my judgment, it is the duty of the government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce and navigation. I heartily approve the

resolutions upon this subject, passed by the Democratic National Convention, lately assembled at Baltimore.

I am, with great respect,
Dear sir, your ob't serv't,

JAMES K. POLK.

JOHN K. KANE, Esq., Philadelphia.

This letter indicates what were the sentiments of its author on the subject to which it related, as clearly and distinctly as language could express them. He was in favor of a tariff yielding sufficient revenue to support the government economically administered, and which should afford, at the same time, incidental protection to all the various interests of the country. He was willing to *encourage* manufactures to this extent, but he was not disposed to *favor* them, to the injury of other interests. A high protective system he could not countenance. He saw how it had operated in England, where a powerful aristocracy were maintained in luxury and idleness, and a corrupt and expensive government supported, out of the hard-earned substance of the yeoman, the laborer, and the operative; and history taught him, that whenever and wherever it had been adopted, it had brought the poorer classes to abject penury and want, and reduced them to a condition of slavish dependence on the wealthy and more favored classes.

Entertaining such views, he cordially approved of the revenue tariff of 1846. All its main features harmonized with his own convictions; he did not consider it perfect in all its parts, but as a whole it was satisfactory to him;

and the bill received his signature, as it met with his approbation.

Whenever and howsoever any of the objectionable features of the "American System," were brought forward in Congress, they encountered the determined and unyielding opposition of Mr. Polk. He planted himself upon what he conceived to be the impregnable doctrines of the Maysville road veto, and refused to be driven from his position. If he had ever been in doubt in respect to the propriety of constructing works of internal improvement in the states by the general government, his experience as a legislator led him to reflect carefully upon the subject. He saw how the power which had been inferred from the Constitution, had been abused; and when a careful examination of that instrument resulted in discovering no positive warrant for the authority which had been claimed by the friends of the "American System" to belong to the national government, he denied its existence altogether.

During his service in Congress, he was the steadfast friend of the surviving officers and soldiers of the revolution. No one did more than he to establish and perfect the pension system, and he was particularly active in his efforts to extend its benefits to the officers and soldiers of the militia.

He was among the earliest opponents of the recharter of the United States Bank; and in the month of August, 1829,* in a letter addressed to his constituents, he avowed

* This was several months previous to the appearance of General Jackson's first message.

his convictions to be irreconcilably opposed to the existence of such an institution, and denied both its constitutionality and expedieney. He supported and defended the administration of General Jackson during the exciting contest with the bank, and approved and justified the removal of the deposits. With General Jackson and Mr. Van Buren, he was at first favorable to the state bank deposit system; but when he saw how total was its failure to answer the expectations of himself, and his friends and coädjutors, he hailed the project of an independent treasury recommended by Mr. Van Buren, as the great desideratum in the financial system of the government. This measure received his unqualified approbation, and at all times and on all occasions, he expressed himself unreservedly in its favor. He had the proud satisfaction, too, in the first year of his administration, of approving, in an official character, the bill which, at the close of his public career, remained unrepealed on the statute-book, —a bill which had risen, like the Phœnix from his pyre, from the ashes of obloquy and persecution, and was proclaimed the law of the land, in accordance with the expressed will of the Nation.

CHAPTER V.

Dissensions in the Republican Party in Tennessee—Nomination of Judge White for the Presidency—Course of Mr. Polk—Chosen Speaker of the House of Representatives—Reëlected—Character as a Presiding Officer—Vote of Thanks—Farewell Address.

ALTHOUGH the vote of Tennessee, given at the presidential election in 1828, was almost unanimous in favor of General Jackson,* indications of dissatisfaction were manifested by some of the most prominent members of the republican party in that state, at an early period of his administration. It was impossible for him to gratify all the numerous applicants for office, and those who were disappointed, though they took care to conceal their chagrin, cherished many an unfriendly feeling at heart, that only required an occasion for its exhibition. But while his personal fortunes appeared to be at stake, nothing like open opposition was witnessed; he had firmly secured the love and respect of the people of Tennessee, and a whisper against his fair fame aroused their indignation. His name, like that of Hafed, was a "name of fear;" and if murmurs were ever heard, they were directed toward those who were said to be his confidential friends and advisers.

As the time approached, however, for the selection of his successor, the elements of discord and disaffection

* There were only about twenty-two hundred votes cast for the Adams electors in the whole state.

were more plainly visible. His preferences for Mr. Van Buren were well known, as they were never disguised. But in Tennessee, a large portion of the republican party were in favor of Hugh L. White, an estimable and talented citizen of that state, then one of its Senators in Congress; and they desired to have him duly brought forward by a legislative nomination, as their candidate for the presidency. Unsuccessful attempts were made to induce the legislature to make the desired nomination, and a similar effort at the convention called to revise the state constitution, in the spring of 1834, likewise failed of success. In the neighboring state of Alabama, the friends of Judge White were more fortunate; and in the month of January, 1835, the legislature of that state nominated him as their candidate for the succession,—but with the reservation, and upon the condition, that he should be "the choice of the republican party throughout the Union."

Governor Carroll, Ex-Governor Blount, Felix Grundy, James K. Polk, Cave Johnson, and other discerning men in the republican ranks in Tennessee, saw, at a glance, that the prospects of Judge White were utterly hopeless. Indeed, it was idle to presume that the condition mentioned in the resolution of the Alabama legislature would ever take place. Tennessee had been honored with a president of her own choice, for eight years in succession; and there was nothing in the public services, or in the character of Judge White, that peculiarly entitled him to inherit this distinction, in opposition to the candidates whose nomination was desired in other states. Besides, the general sentiment of the republican party in

the nation, as manifested in a thousand ways, and in the most unequivocal manner, had indicated a decided preference for Mr. Van Buren.

Mr. Polk and his friends were disposed to yield a ready acquiescence to what appeared to be the controlling desire of their republican friends out of Tennessee. He was himself urgently solicited to join in some public manifestation in behalf of Judge White; but he firmly and constantly refused to lend his name or his influence for any such purpose. He esteemed Judge White for his virtues and talents, and was averse to taking ground decidedly against him, although he saw, that his susceptibility to flattery had been taken advantage of by his particular friends, and the opponents of the administration, in order to distract and divide the republican party at the approaching presidential election. Personally, Mr. Polk was not in the least degree unfriendly to the political advancement of Judge White; but he had none of that false state pride, which would have led him to oppose and denounce, as he was desired to do, the preferred candidate of the republicans throughout the Union.

Meanwhile, the course of Judge White and his friends was not calculated to increase his popularity among the supporters of General Jackson's administration. On several occasions he had given evidence of a disposition to thwart the President in some of his favorite and leading measures. At the session of 1833–34, he voted against the "three million amendment" to the fortification bill; he opposed, also, the Ross treaty, and the expunging resolutions of Mr. Benton; and he supported the movement made by the Whigs in Congress, predicated, as they

alleged, upon their fears with respect to the union of the purse and the sword in the hands of the President, to reduce the Executive patronage and power.

In the House of Representatives, the White interest was represented by John Bell, one of the colleagues of Mr. Polk, and between whom there had long existed a sort of rivalship. Both claimed to be the sincere friends of General Jackson, and both approved of the veto of the United States Bank, and the removal of the deposits. But Mr. Bell was in favor of the incorporation of another bank,* while Mr. Polk, in accordance with what had now become one of the cardinal doctrines of the party to which he belonged, as it had been one of the tests of the old republican creed, avowed his uncompromising hostility to any such institution. The latter, therefore, was the most popular with the republican members of the House, and was more particularly honored with the confidence and friendship of President Jackson, and the principal leaders of the republican party. In June, 1834, the Speaker of the House, Andrew Stevenson, of Virginia, resigned his seat in Congress, in consequence of his nomination as Minister to Great Britain. Mr. Polk was instantly selected by the majority of the republican, or democratic† members, as the administration candidate for the vacant

* Speech of Mr. Bell on Mr. Clayton's Resolution, 1832.

† About the time of the first election of General Jackson, in 1828, his friends and supporters began to assume the party designation of *democrats*, or *democratic republicans*,—the former term, previous to that time, having been generally regarded as one of reproach. The opponents of his administration called themselves *national republicans*, until 1834, when they assumed the name of *whigs*. Since that date the two great parties have been usually designated as *whigs* and *democrats*. The adherents of Judge White in Tennessee, claimed to be the "no-party party."

position. But the friends of Judge White refused to support him, and voted for Mr. Bell, who, with the aid of the Whig members, was elected over Mr. Polk on the tenth ballot.

In the month of January following, the Alabama nomination was made, as has been mentioned; and during the same session of Congress, the Tennessee delegation in the House, with the exception of Mr. Polk and Cave Johnson, united in recommending the support of Judge White for the Presidency. Mr. Bell, it is said, originally preferred Colonel Richard M. Johnson, of Kentucky; but the views of the latter in regard to the incorporation of a national bank not being satisfactory to him, he connected himself with the fortunes of Judge White.

Shortly after the adjournment of Congress, Mr. Van Buren was regularly put in nomination as the republican candidate for President, by the unanimous voice of the national convention assembled at Baltimore in May, 1835. Mr. Polk took no part in calling or recommending this convention. It was entirely a new movement, and originated mainly in a desire to organize the republican party in a most efficient manner, in anticipation of a powerful effort on the part of the opponents of the administration to defeat their candidates. After the nominations were made, and received with an almost universal expression of approbation in every State in the Union, Tennessee alone excepted, Mr. Polk announced his determination not to separate himself from the republican party of the nation. Messrs. Carroll, Blount, Grundy and Johnson, agreed with him in sentiment, and active preparations were immediately made to carry the state

at the gubernatorial and congressional elections, in August, 1835. But the time proved too short to counteract the impressions which had been formed, and to change the direction of the popular current. The Whigs united with the friends of Judge White, and succeeded in defeating Governor Carroll, who was nominated for re-election, and all the administration candidates for Congress, save Mr. Polk and Mr. Johnson.

The triumphant return of these two individuals was particularly disagreeable to the combined opposition. The most powerful efforts had been made to defeat them, and their opposition to Judge White was arrayed against them, through the press, and the harangues of public speakers, in every conceivable shape and form. Mr. Polk was assailed in his district with especial vehemence; but when his opponents discovered that all efforts to defeat his reëlection were useless, and that it was impossible to overcome his strong personal popularity, they sought to pledge him to the support of Mr. Bell for the speakership, in opposition to any candidate beside himself.

He had no terms to offer, or to accept,—no bargain to suggest, or to conclude. He went before the people, and defended his course and conduct, from the stump, in right good earnest. In a speech addressed to his constituents on the 20th of May, and before the Baltimore nominations were announced, he declared that he had at all times been willing to see Judge White elevated to the presidency, since his name had been spoken of, if it could be done by the political party to which they both belonged; "and," said he, "if at any time hereafter, the public sentiment in the democratic republican states, in

whatever fair mode ascertained or expressed, shall indicate him as the choice of the body, or of a majority of the republican supporters of the present administration, I will be found uniting with them in his support. But until such indication shall be given, I will wait and see upon whom the great body of our friends of the same political faith in other states do concentrate; and upon him, whomsoever he may be, in my opinion, all should unite."

"Were I to give an opinion," he added, "as to what the course of the opposition would ultimately be, judging from the conduct of the leaders of that party in Congress, I should say that they would wait, in the hope that we would become excited, divided, and arrayed against each other, between two or more candidates of our party, so that we could not be reünited; and having effected this by false pretence of intended support to one of our party, it will only be necessary to sound a bugle to rally the whole strength of the opposition upon one of their own men. Should we divide to any great extent, none can suppose that the ambitious men who lead the opposition, will not take advantage of our divisions and run a candidate of their own."

On the 8th of June, during the term of the county court, Mr. Polk addressed the citizens of Maury in still more eloquent and animated terms. He defended the administration of General Jackson from the charges of the opposition, and repelled with manly generosity and disinterestedness the attacks made upon Mr. Van Buren by his enemies. He pointed out the folly of supporting Judge White for the presidency, unless it was done for

the express purpose of distracting and dividing the republican party, so that the election would devolve on the House of Representatives. He said he had taken no part in the Baltimore convention, nor in the nomination made by his colleagues; but he declared that "as a citizen, he would support for the presidency that man who was the choice of the great body of the republicans of the nation," at the same time pledging himself, if the election went before the House, to carry out the will of the people of his district.

The predictions of Mr. Polk were verified. Judge White ultimately received the support only of the opponents of the administration and of the friends of the United States Bank, except that in a very few instances he obtained the votes of persons in the Southern States, who thought Mr. Van Buren would be unable to carry them, and desired to prevent the election of General Harrison, the whig candidate at the north. In the State of Tennessee, Mr. Polk and his friends engaged with great activity in the contest, in support of Mr. Van Buren; and the White electoral ticket, with the whole whig opposition united in its favor, succeeded by but about nine thousand majority.

Shortly after the August election in 1835, Mr. Polk visited Nashville, when on his way to Rutherford County. While at the seat of government, the compliment of a public dinner was tendered to him by the republicans of that city; but he was forced to decline the proffered invitation, on account of the poor state of his health. In his reply to the letter of the citizens, which expressed their high approbation of his political course, he said: "Being

unwilling to do any act, which might tend to break up or disturb the integrity of this party—the republican party, to which we belong—and with a sincere desire to avoid the state of things which now exists, and which I thought I foresaw was likely to be produced, I did not hesitate, during the past winter, to assume the position I now occupy. It is the position of principle. I am still acting upon my old principles, and with a vast majority of my old political friends; with whom I do now, and have ever agreed in opinion. I have not changed my position, or any political opinion, upon which I have ever acted. I have compromised no principle, nor can I act with those who have broken off and seceded from the body of the republican party, and assumed a position, which cannot operate otherwise (though by many that effect, doubtless, is not intended) than in aid of the adversaries of our principles; who, being in a minority, are 'willing to destroy the landmarks of republicanism;' who seek to efface the lines which have hitherto separated federalists and republicans, and to organize upon the ruins of the republican party, by an unnatural amalgamation of political leaders of discordant principles and opinions, a new party called by whatever name, whether by that of the 'no-party' party, or any other, when the necessary and inevitable consequences must be the destruction of those principles we hold dear. If the object of this amalgamation and new organization be, as is sometimes professed, to put an end to the existence and asperity of party, it cannot be attained; for of what avail is it, to break up and destroy one party—the republican party—and erect upon its ruins another—the 'no-party' party—which, judging

from the indications we have seen, from some of the leaders of this new party, is likely to be, in Tennessee at least, more intolerant than any other party which has ever existed amongst us."

The friends of Judge White did not yet despair of securing the influence of Mr. Polk; and in the month of October he received an invitation to attend a public dinner to be given to the Judge in Maury county, on the 20th instant. The reply of Mr. Polk to the committee was brief but pertinent. "I have this moment," said he, "received your note of invitation to dine on Tuesday, the 20th inst., and have the honor to decline it." After the dispatch of this missive, he was honored with no further attentions in that quarter. His constituents, however, looked upon the dinner to Judge White as being designed to rebuke him for his course, and they forthwith made preparations for a similar demonstration of their regard for their representative. A dinner was accordingly given to Mr. Polk, at Mooresville, on the 22d of October, which was far more numerously attended than the previous affair in honor of Judge White.

When the members of the twenty-fourth Congress assembled at the capitol for their first regular session, in December, 1835, it was found that the friends of the administration were largely in the majority. Mr. Polk was selected by general consent as their candidate for speaker, not merely as an act of justice on account of the circumstances under which he was defeated the previous year, but as a tribute due to his exalted worth and talents, and the firmness and independence he had exhibited during the recent canvass in Tennessee. Mr. Bell was once

more the opposing candidate, but he received only 84 votes, while 132 were given for Mr. Polk. At the first, or extra session of the 25th Congress, held in September, 1837, the same candidates were pitted against each other —Mr. Bell being at that time thoroughly identified with the whig opposition. Parties were more equally divided in this Congress, but Mr. Polk was again chosen over his opponent by thirteen majority.

As the Speaker of the 24th and the 25th Congress, Mr. Polk occupied the chair of the House during five sessions. It was his fortune to fill this distinguished position when party feelings were excited to an unusual degree. During the first session, more appeals were taken from his decisions, than were ever before known; but he was uniformly sustained by the House, and frequently by the most prominent members of the opposition. He was courteous and affable toward all who approached him, and in his manner, as the presiding officer, dignity and urbanity were appropriately blended. In the appointment of committees, in awarding the floor, and in his decisions on questions of parliamentary law, he aimed to be strictly impartial; and if he at any time failed in this, it was because he could not entirely divest himself—and who is there that can—of party feelings and prejudices. Amid the stormy scenes that attended the abolition excitement in Congress, and the presentation of petitions connected in one shape or another with the slavery question, he was always cool and collected, and never disturbed from the calm serenity that characterized him. Totally opposed though he was to all the movements of the abolitionists, he yet habitually extended to their lead-

er on the floor of the House, John Quincy Adams, "every kindness and courtesy imaginable."*

Being perfectly familiar with the *lex parliamentaria*, he was ever prompt in his decisions. Questions of order might be multiplied, till the whole business of the House seemed to be in a state of irretrievable confusion; but he instantly unravelled the knot and restored order and harmony. Discord and strife might shake the pillars of the capitol, but he quailed not from his duty. Whether frowns or smiles, favor or dislike, followed his decisions, he did not stop to inquire. He would not swerve a single hair's breadth from what he conceived to be right; and this he did, and to this he adhered, regardless of consequences personal to himself.

At the close of the 24th Congress, in March, 1837, a unanimous vote of thanks to the Speaker was passed by the House. The sessions of the ensuing Congress were remarkable for the violence and asperity that signalized the proceedings. The discussions on the independent treasury, and other topics connected with the prevailing panic and derangement in the monetary affairs of the country, were exceedingly animated. Mr. Polk was often called upon to decide what were regarded as party questions; and though the same uprightness of principle, honesty of intention, and conscientious desire not to forget his moral responsibility, influenced his conduct, the opposition members, as was natural in their excited state of feeling which continued to be exhibited up to the very last day of the closing session, refused to unite in passing

* Reminiscences of John Quincy Adams, by an Old Colony Man.

the customary vote of thanks. The usual resolution was offered by an administration member, which produced a warm debate. It was at length adopted by the votes of the republican members; several of the opposition members also concurred in it, but the great body of them either voted in the negative or remained silent.

Under almost any other circumstances this resolution would probably have been passed without a dissenting voice. No speaker elected as the candidate of a political party could have been more rigidly impartial than was Mr. Polk. To his opponents, doubtless, it sometimes seemed, in the ardor with which they pursued their efforts to render the administration of Mr. Van Buren unpopular, and to defeat its measures, that he was inclined to exert his power unnecessarily to thwart them, and that he was unduly governed by party feelings. But they were mistaken in his character. He was a party man, but not a bitter or vindictive partisan. If his political prejudices even led him into an unintentional error, what member of the 25th Congress belonging to the opposition, could say—"Stand aside, for I am holier than thou!" Where all were excited to an extent hitherto unexampled, who had the right to censure his fellow?

In adjourning the House on the 4th of March, 1839, and terminating forever his connection with the body, of which he had been so long a member, Mr. Polk delivered a farewell address of more than ordinary length, but characterized by deep feeling. "When I look back to the period," said he, "when I first took my seat in this House, and then look around me for those who were at that time my associates here, I find but few, very few,

remaining. But five members who were here with me fourteen years ago, continue to be members of this body. My service here has been constant and laborious. I can perhaps say what but few others, if any, can, that I have not failed to attend the daily sittings of this House a single day since I have been a member of it, save on a single occasion, when prevented for a short time by indisposition. In my intercourse with the members of this body, when I occupied a place upon the floor, though occasionally engaged in debates upon interesting public questions, and of an exciting character, it is a source of unmingled gratification to me to recur to the fact, that on no occasion was there the slightest personal or unpleasant collision with any of its members. Maintaining, and at all times expressing, my own opinions firmly, the same right was fully conceded to others. For four years past, the station I have occupied, and a sense of propriety, in the divided and unusually-exciting state of public opinion and feeling, which has existed both in this House and the country, have precluded me from participating in your debates. Other duties were assigned me.

"The high office of Speaker, to which it has been twice the pleasure of the House to elevate me, has been at all times one of labor and high responsibility. It has been made my duty to decide more questions of parliamentary law and order, many of them of a complex and difficult character, arising often in the midst of high excitement, in the course of our proceedings, than had been decided, it is believed, by all my predecessors, from the foundation of the government. This House has uniformly sustained me, without distinction of the political

parties of which it has been composed. I return them my thanks for their constant support in the discharge of the duties I have had to perform.

"But, gentlemen, my acknowledgments are especially due to the majority of this House, for the high and flattering evidence they have given me, of their approbation of my conduct as the presiding officer of the House, by the resolution you have been pleased to pass. I regard it as of infinitely more value than if it had been the common matter-of-course, and customary resolution, which, in the courtesy usually prevailing between the presiding officer and the members of any deliberative assembly, is always passed at the close of their deliberations. I regard this as the highest and most valued testimonial I have ever received from this House; because I know that the circumstances under which it has passed, have made it matter of substance, and not of mere form. I shall bear it in grateful remembrance to the latest hour of my life.

"I trust this high office may in future times be filled, as doubtless it will be, by abler men. It cannot, I know, be filled by any one who will devote himself with more zeal and untiring industry to do his whole duty, than I have done."

CHAPTER VI.

Mr. Polk supported by the Democratic Party in Tennessee as their Candidate for Governor—The Canvass—His Election—Inaugural Address—Executive Recommendations—His Administration—A Candidate for Reëlection—Defeat—State Politics.

STILL higher honors awaited Mr. Polk. His long and arduous service in the national representation, and more especially the circumstances attending the presidential canvass of 1836, had familiarized the people of Tennessee with his name and character. To the republican party he was endeared by his sacrifices in their behalf, by his devotion to their interests, and his steadfast maintenance of their principles. They had marked, with pride and exultation, his manly bearing in the political contests through which they had passed; they had seen him display the gallantry of Hotspur with the prudent caution and wisdom of Worcester; they had witnessed the unsuccessful efforts which had been made to prostrate him as a public man; and they had rejoiced over his repeated triumphs, when so many adverse influences were arrayed against him.

Greatness is frequently the result of mere accident; and fame, like the *ignis fatuus*, often shines the most brightly over the dead man's grave. Popular favor is sometimes hard to win, and then again it is easily acquired, but, it may be as easily lost. The career of a

politician resembles the summer landscape above which the fleecy clouds are constantly flitting—now in the light, and now in the shade—here all sunshine and brightness, and there all darkness and gloom. The gratification of human hopes is always uncertain, and aspirations after public honors are not exempt from the disappointments incident to mortal desires. But this should not deter true merit from treading the path of honorable ambition. Accidental distinctions are rarely worth striving for; but the lasting esteem of a free people is a patent of nobility prouder than was ever granted by kingly favor, and is

> "stamped with a seal,
> Far, far more ennobling, than monarch e'er set."

At the earnest request, and upon the urgent solicitations of his friends, repeatedly pressed upon him, Mr. Polk consented to become the candidate of the republicans of Tennessee, at the August election in 1839, for the office of governor. It was very evident that none but the strongest man in the party could enter into the canvass with anything like a fair prospect before him; and it was exceedingly doubtful whether he could be successful. The democracy of the state were in a measure disheartened by the disasters and defeats which they had experienced since the secession of Judge White, Mr. Bell, and their friends, from the party; and they needed some leader possessing a powerful hold upon their affections, of popular manners and an able speaker, to place himself at their head, to encourage them by his example, and to animate them by his stirring eloquence.

Such a leader was Mr. Polk. He cheerfully accepted

the nomination, which was tendered to him by the unanimous consent of his republican friends, in the fall of 1838, and at a barbecue in Murfreesborough publicly declared himself a candidate. He immediately took the stump, but was only able to make a few speeches that fall, as it was necessary for him to repair to Washington in time for the opening of the session of Congress.

At the close of the session, in the spring of 1839, he hastened home without delay, and his familiar voice was soon heard uttering its thrilling appeals, that aroused the feelings, and moved the hearts, of those who listened to him, like the notes of a trumpet on the eve of an impending battle. The energies of the party were forthwith revived; unity and harmony everywhere prevailed; and a new spirit seemed to dwell in the bosoms of those who had been languid and faint-hearted, and had already predicted defeat.

The canvass was warm and spirited. The state had for years been in the hands of the opposition, and they now rallied with enthusiasm and alacrity in support of Governor Cannon, the incumbent of the office, who was a candidate for reëlection. The governor was a man of great popularity, well and widely known, and justly esteemed for his high character and talents. He appeared on the stump in person, and a number of the ablest whig speakers in the state labored for weeks in his support. Mr. Polk was favored by no factitious circumstances. On the contrary, everything was against him, and the issue of the contest, as was proved by the result, depended mainly on himself. As a stump speaker he was invincible; and his abilities in this respect were now put to

a severe test. Never did his aptness, his *facilité* in addressing popular assemblies, appear to greater advantage, or serve him in greater stead. He had reached the turning point of his fortunes—the crisis of his career. If defeated on this occasion it might be impossible to maintain himself in the position he had previously occupied, but if successful, yet higher distinctions might be attained. The prize seemed to be worthy of his utmost efforts. He flew, as it were, from one end of the state to the other. He visited every county and addressed its citizens. He scarcely gave himself time to eat or to sleep, but, entirely indifferent to fatigue, continued his efforts, without pause or relaxation, up to the last hour of the canvass.

Animated as was the contest, nothing like personal ill-feeling was manifested by either of the rival candidates. Governor Cannon, however, was afraid to meet Mr. Polk on the stump. The latter made out a list of appointments in West Tennessee, and invited his opponent to accompany him. The invitation was declined by Governor Cannon; whereupon Mr. Polk set out to fill his appointments, but when he had reached the extreme western limits of the state, he was informed that Governor Cannon had left for East Tennessee, in order to fill some appointments which he had made there. Mr. Polk instantly suspended his own unfilled appointments, and travelled with the utmost speed to Knoxville, which place he reached without having slept in a bed, or pulled off his boots, during the journey. He then met Governor Cannon, and, as was claimed by his friends, defeated him on every occasion. That the people coincided in this opin-

ion, was evinced by their expressions of praise and approbation, and by their votes at the polls.

The exertions of Mr. Polk during this canvass deserved the success with which they were rewarded. He was elected over Governor Cannon by upwards of twenty-five hundred majority, and on the 14th of October took the oath of office at Nashville, and entered upon the discharge of the executive duties. On this occasion, he delivered the following address, which is with justice considered to be one of the clearest and ablest documents that ever came from his pen, in the presence of the General Assembly and a large concourse of citizens:

GOVERNOR'S ADDRESS.

Gentlemen of the Senate, of the House of Representatives, and Fellow-Citizens:

Deeply impressed with a sense of gratitude to my fellow-citizens for the confidence they have reposed in me by elevating me to the Chief Executive Office in the State, and duly sensible of the weight of responsibility which will devolve upon me, I enter upon the discharge of its duties firmly relying upon the coöperation of the coördinate departments of the State Government, in all such measures of public policy as may be calculated to maintain the high character of the State, and to advance and promote the interests, the happiness, and prosperity of the people.

A proper respect for public opinion, as well as a compliance with public expectation, seem to require that I should upon this occasion publicly declare the leading principles which I shall deem it proper to be observed in the conduct of the State Administration, so far as the action of the Executive branch may be concerned.

Under our happy system of Government, the ultimate and

supreme sovereignty rests in the people. The powers of government delegated by the people to their public functionaries, are by our constitution divided between the Federal and State authorities. The State Governments are not, as has been erroneously supposed by some, subordinate to the Federal Government. "They are coördinate departments of one simple and integral whole." The States have parted with certain enumerated and specified powers, and, by the Constitution of the United States, these are delegated to the Federal Government, and can only be rightfully exercised by that Government. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." By the partition of powers thus distinctly defined, it is manifest that each government possesses powers which are withheld from the other. And so long as each acts within its legitimate and proper sphere, the system works harmoniously, and affords to the citizen a greater amount of security for life, liberty and property, and in the pursuit of happiness, than is to be found under any other government which has ever existed. When either overleaps the true boundary prescribed for its action, and usurps the exercise of powers properly belonging to the other, the harmony of the system is disturbed, and agitating collisions arise which are calculated to weaken the bonds of union. Whilst, therefore, the States should be jealous of every encroachment of the Federal Government on *their* rights, they should be careful to confine themselves in their own action to the exercise of powers clearly reserved to them.

It will, I do not doubt, be the patriotic desire of my constituents, as I know it will be mine, in the discharge of the functions to which I am called, that "the support of the State Governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwark against anti-republican tendencies," and that the "pres-

ervation of the General Government, in its whole constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad," shall be scrupulously observed and inviolably maintained.

In ascertaining the true line of separation between the powers of the General Government and of the States, much difficulty has often been experienced in the operations of our system. The powers delegated to the General Government are either express or implied. The general rule of construction laid down by the General Assembly of Virginia in 1799, may be regarded as a sound one by which to determine whether a given power has been delegated to that Government, or is reserved to the States. That rule is—"Whenever a question arises concerning the constitutionality of a particular power, the first question is, whether the power be *expressed* in the constitution. If it be, the question is decided. If it be not *expressed*, the next question must be, whether it is properly an *incident* to an expressed power, and *necessary* to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it." If the power be not *expressed*, it is not enough that it may be *convenient* or *expedient* to exercise it, for such a construction of the Constitution of the United States would refer its exercise to the unlimited and unrestrained discretion of Congress—to determine what would be *convenient* or *expedient*; thereby making the exercise of important powers, by the General Government, to depend upon the varying discretion of successive Congresses. It must be a "*necessary and proper*" power. It must be an *incident* to an *express* power, "*necessary and proper*" to carry that express power into effect, and, without which, it could not be exercised, and would be nugatory.

Mr. Jefferson, whose sound expositions of the relative powers of the Federal and State Governments but few of my constituents will be prepared at this day to question, near the close of a long and eventful life of public usefulness, de-

clared "to be most false and unfounded, the doctrine that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States, has given them thereby a power to do whatever *they* may think, or pretend, would promote the general welfare, which construction would make that, of itself, a complete government, without limitation of powers; but, that the plain sense and obvious meaning were, that they might levy the taxes necessary to provide for the general welfare, by the various acts of power therein specified and delegated to them, and by no others."

In all cases of well-founded constitutional doubt, it is safest and wisest for all the functionaries of government, both State and Federal, to abstain from the exercise of the doubtful power. In all such cases, it is both safest and wisest to appeal to the people, the only true source of power in the constitutional forms, by an amendment of the fundamental law, to remove such doubt, either by an enlargement or a restriction of the doubtful power in question.

The Federal Government has at different times assumed, or attempted to exercise powers, which, in my judgment, have not been conferred upon that government by the compact. Among these, I am free to declare my solemn conviction that the Federal Government possesses no constitutional power to incorporate a National Bank. The advocates of a bank insist that it would be *convenient and expedient*, and that it would promote the "general welfare;" but they have, in my judgment, failed to show that the power to create it is either *expressly* granted, or that it is an *incident* to any *express* power, that is "*necessary and proper*" to carry that power into effect. The alarming dangers of the power of such a corporation (vast and irresponsible as experience has shown it to be) to the public liberty, it does not fall within the scope of my present purpose fully to examine. We have seen the

power of associated wealth in the late Bank of the United States, wrestling with a giant's strength with the Government itself—and although finally overthrown, it was not until after a long and doubtful contest. During the struggle, it manifested a power for mischief which it would be dangerous to permit to exist in a free country. The panic and alarm, the distress and extensive suffering, which in its convulsive struggle to perpetuate its power it inflicted on the country, will not soon be forgotten. Its notorious alliance with leading politicians, and its open interference by means of the corrupting power of money in the political contests of the times, had converted it into a political engine, used to control elections and the course of public affairs. No restraints of law could prevent any similar institution from being the willing instrument used for similar purposes. The State of Tennessee, through her Legislature, has repeatedly declared her settled opinions against the existence of such an institution, and at no time in its favor. She has instructed her Senators, and requested her Representatives in Congress to vote against the establishment of such an institution. In these opinions, heretofore expressed by the State, I entirely concur.

Of the same character is the power which at some time has been attempted to be exercised by the Federal Government, of first collecting by taxation on the people a surplus revenue beyond the wants of that Government, and then distributing such surplus, in the shape of donations, among the States: a power which has not been conferred on that Government by any express grant, nor is it an incident to any express power, "necessary and proper" for its execution. To concede such a power, would be to make the Federal Government the tax-gatherer of the States, and accustom them to look to that source from which to supply the State Treasuries, and to defray the expenses of the State Governments. It is clear that this constituted no one of the objects of the creation of the

Federal Government; and to permit its exercise would be to reduce the States to the degraded condition of subordinate dependencies upon that Government, to destroy their separate and independent sovereignty, and to make the Government of the Union in effect a consolidation. The power to make provision for the support of its own Government, by the levy of the necessary taxes upon its own citizens, and the adoption of such measures of policy for its internal Government not inconsistent with the Federal Constitution, as may be deemed proper and expedient, "remains to each State among its domestic and unalienated powers exercisable within itself and by its domestic authorities alone."

A surplus Federal revenue, raised by means of a tariff of duties, must necessarily be collected in unequal proportions from the people of the respective States. The planting and producing States must bear the larger portion of the burden. It was this inequality which has heretofore given rise to the just complaints of these States, as also of the commercial interests, against the operations of a high and protective tariff. If the proceeds of the sales of the public lands be set apart for distribution among the States, as has been sometimes proposed, the operation and effect would be the same; for, by abstracting from the Federal Treasury the proceeds of the sales of the public lands, a necessity is thereby created for an increased Tariff to the amount thus abstracted. To collect a surplus revenue by unequal taxation, and then to return to the people, by a distribution among the States, their own money, in sums diminished by the amount of the cost of collection and distribution, aside from its manifest injustice, is a power which it could never have been intended to confer on the Federal Government.

When, from the unforeseen operation of the revenue laws of the United States, a surplus at any time exists or is likely to exist in the Federal Treasury, the true remedy is, to reduce or to repeal the taxes so as to collect no more money

than shall be absolutely necessary for the economical wants of that Government, and thus leave what would otherwise be surplus uncollected in the pockets of the people. The act of Congress of 1836, by which a large amount of the surplus on hand was distributed among the States, is upon its face a *deposit* and not a *donation* of the sums distributed. The States have become the debtors to the Federal Government for their respective proportions, and are subject to be called upon to refund it. Had the act provided for an absolute *donation* to the States, so palpable an infraction of the Constitution it is scarcely possible to conceive could have been sanctioned. By making it assume the form of a mere *deposit* of the money of the United States in the State Treasuries for safe-keeping until needed for public purposes, it became the law. Though it may not be probable that the sums distributed on deposit will be called for at an early period, if indeed they will ever be, unless in cases of exigencies growing out of a foreign war, yet the States should be at all times prepared to meet the call when made; and it will be unsafe for them to rely upon the sums they have received as a permanent fund. They should rather look to their own credit and resources in the accomplishment of their purposes.

It becomes the duty of all the States, and especially of those whose constitutions recognize the existence of domestic slavery, to look with watchfulness to the attempts which have been recently made to disturb the rights secured to them by the Constitution of the United States. The agitation of the abolitionists can by no possibility produce good to any portion of the Union, and must, if persisted in, lead to incalculable mischief. The institution of domestic slavery, as it existed at the adoption of the Constitution of the United States, and as it still exists in some of the States, formed the subject of one of the compromises of opinion and of interest upon the settlement of which all the old States became parties to the compact and agreed

to enter the Union. The new States were admitted into the Union upon an equal footing with the old States, and are equally bound by the terms of the compact. Any attempt on the part of the Federal Government to act upon the subject of slavery, as it exists within the States, would be a clear infraction of the Constitution; and to disturb it within the District of Columbia, would be a palpable violation of the public faith, as well as of the clear meaning and obvious intention of the framers of the Constitution. They intended to leave, and they did in fact leave, the subject to the exclusive regulation and action of the States and Territories within which slavery existed or might exist. They intended to place, and they did in fact place it, beyond the pale of action within the constitutional power of the Federal Government. No power has been conferred upon the Federal Government, either by express grant or necessary implication, to take cognizance of, or in any manner or to any extent to interfere with, or to act upon the subject of domestic slavery, the existence of which in many of the States is expressly recognized by the Constitution of the United States.

Whether the agitation we have recently witnessed upon this delicate and disturbing subject has proceeded from a mistaken philanthropy, as may have been the case with a few misguided persons; or whether there is, I regret to say, but too much reason to fear, from a desire on the part of many persons, who manifest by their conduct a reckless disregard of the harmony of the Union and of the public good, to convert it into a political engine, with a view to control elections, its progress should be firmly resisted by all the constitutional means within the power of the State. The most casual observer of passing events cannot fail to have seen that modern Abolitionism, with rare and few exceptions among its advocates, has become, to a great extent, purely a political question. That many of the leading abolitionists are active political partisans, fully identified with, and constituting

no inconsiderable part of, one of the political parties of the country, can no longer admit of doubt. They address themselves to the prepossessions and prejudices of the community in which they live, against slavery in the abstract, and, availing themselves of these prepossessions and prejudices, are struggling to control political events. All the lovers of the Union of the States, and all patriotic citizens, whether of the slaveholding or non-slaveholding States, who are ardently attached to our free institutions, must view with indignant reprobation the use made of such an unholy agitation with such objects. The attempts made to introduce it for discussion into the Federal Legislature have been met in the proper spirit, not only by Southern Representatives, but by a large portion of the Northern delegation in Congress. It is fortunate for the country, that, in the midst of this agitation, there is at the head of the Federal Government a Chief Magistrate who, in the patriotic discharge of his high duties, has placed the seal of his unqualified condemnation upon any attempted action by Congress upon the subject of slavery in any manner, or to any extent, whether existing within the States or within the District of Columbia. That he deserves and will receive the support of the States and of the people, in every portion of the Union, in maintaining his uncompromising and publicly declared determination to preserve inviolate the compromises of the Federal Constitution and the reserved rights of the slaveholding States on this subject, cannot be doubted.

In regard to other powers, which at different times the Federal Government has assumed, or attempted to exercise, the same reasoning may be applied. Among these may be enumerated the power assumed to construct works of Internal Improvements within the States, by means of appropriations drawn from the National Treasury; the power of "abridging the freedom of speech," secured by the Constitution to every citizen, by enacting laws to suppress alleged sedition, or the more recent attempts to enact them under

the more plausible pretence of "securing the freedom of elections."

I shall most cheerfully coöperate with the Legislative and Judicial Departments of the State Government, by all the constitutional and legal means within the competency of the Executive, in their efforts to confine the action of the State within proper limits, and to resist the encroachments of the Federal Government, upon her reserved rights of sovereignty.

I shall as cheerfully coöperate with them in all such measures as shall be calculated to insure economy in the expenditures of the State Government, strict accountability on the part of public officers, the promotion of virtue, the suppression of crime, and the development of the wealth, the resources, and the energies of the State.

The revised Constitution under which we are acting has infused into the administration of the State Government more of the Democratic principle of immediate and direct agency by the people than existed under the former Constitution. Instead of delegating, as the old Constitution did, the power of appointing many important ministerial and municipal officers to the judicial tribunals and other appointing agents, the people are now their own agents, and make the appointments by popular elections. The higher judicial functionaries hold their offices by a tenure restricted to a term of years, and not, as formerly, by the tenure for life. These are important changes in the fundamental law of the State. In practice they have, thus far, produced no inconvenience, but have worked well.

In the administration of the State Government I regard it fortunate that there are but few subjects of internal policy upon which there exists much diversity of opinion. The encouragement of a "well-regulated system of Internal Improvement," and the promotion of "knowledge, learning, and virtue," as "being essential to the preservation of Republican institutions," are duties imposed by the Constitution of the

State upon her public functionaries, which they are not at liberty to disregard. Under the deep conviction that these are subjects of general and pervading interest to the whole people of the State, I shall regard it to be my duty to lend my aid in executing the injunctions of the Constitution in a liberal spirit. No objects are, in my judgment, more worthy of the public patronage and support.

The preservation of public credit, and of a sound currency in the State, will undoubtedly be among our highest duties. It is a prevailing error to suppose that a multiplication of banks, and an excessive issue of paper circulation, can advance the public prosperity, or afford any permanent relief to the community in which they exist. Instead of a blessing, excessive banking generally proves to be a curse. The bloated state of apparent prosperity which they temporarily excite, our experience has shown, has invariably been followed by derangement of the money market, depreciation of the currency, and finally by severe pressure and suffering inflicted on the people. To prevent the recurrence of such a state of things, it will be my desire, by all the constitutional and legal restrictions which can be thrown around them, to see that the banks which may exist in the State, shall be based upon a solid foundation, and confine their operations within their reasonable means to meet their responsibilities promptly. I will, at an early day, avail myself of an appropriate occasion to make to the General Assembly of the State, now in session, a communication touching subjects which may seem to require legislative action at their present session.

It will be my duty, under the Constitution of the State, to "take care that the laws be faithfully executed." The Executive is vested with no legislative discretion or power. The laws which the General Assembly shall pass, it is made his duty to execute, even though he may differ in opinion with that branch of the State Government in regard to

their wisdom or policy. This duty I shall faithfully perform.

Relying confidently upon the support of my fellow-citizens, and invoking the aid and guidance of the Supreme Ruler of the Universe, in whose hands are the destinies of government, and of men, I enter upon the discharge of the high duties which have been assigned me by the people.

By the amended constitution of Tennessee, provision was made for such works of internal improvement as the geographical position of the state rendered necessary; and in his first regular message, delivered to the two houses of the General Assembly on the 22d of October, 1839, Governor Polk advised the "vigorous prosecution of a judicious system of improvements," and that "a board of public works, to be composed of two or more competent and scientific men, should be authorized, and their duties established by law."

In the same message he recommended the revision of the laws prohibiting the practice of betting on elections, which, he says, "begets excitement and engenders strife; and it but too often happens, that those who have stakes at hazard, become more interested to secure them, than by a dispassionate exercise of the right of suffrage, to secure the public good."

Of unwise or irresponsible issues of paper money, or paper credits intended for circulation as money, he was always jealous; and in his second regular message to the legislature, in 1841, he advised "a revision of the laws prohibiting the issuance of change tickets or small paper bills, by individuals and corporations other than banks," for the reason, as stated by him, that "some of

the internal improvement companies in which the state was a copartner," had issued "small paper bills in the form of scrip or checks, and put them into circulation as money, without any specie basis upon which to rest, and without authority of law."

The administration of the state government by Mr. Polk was satisfactory to the public, and his course as chief magistrate was well calculated to harmonize the party of which, by the death of his old friend and preceptor, Mr. Grundy, in 1840, he had become the acknowledged head. He did not have occasion, while filling the office of governor, to endorse any of the great principles of the democratic party, except in his inaugural address; nor were any important measures of state policy adopted under his particular auspices.

Unlike the executives of other states, the Governor of Tennessee possesses no veto power; neither has he the authority to commute the punishment of capital offenders to imprisonment for life. The cares and responsibilities of the executive are therefore comparatively light; and as the legislature meets only once in two years, the duties are much less laborious than where the laws to be executed are constantly being changed or repealed.

The term of office of Mr. Polk expired in October, 1841, but at the August election of that year, he was again a candidate. His prospects of defeat could hardly be considered doubtful; inasmuch as the whirlwind, which had prostrated the democratic party in 1840 throughout the Union, had swept over the State of Tennessee with irresistible force. The Harrison electoral ticket had succeeded by more than twelve thousand majority. To

overcome this heavy vote was impossible; but Mr. Polk entered upon the canvass with his accustomed spirit and energy. His competitor was James C. Jones, a most effective speaker, and decidedly the most popular man at that time in the whig party of the state.

Personal good feeling on the part of the opposing candidates characterized this contest, as it had that of 1839. Mr. Polk frankly and cordially met Mr. Jones on the stump and travelled in company with him; and, it is said, they slept in the same bed on one occasion. But all the efforts of Mr. Polk proved unavailing. The politics of the state were for the time firmly fixed in opposition to his own. He was defeated, but in his defeat achieved a triumph, by the reduction of the whig majority to about three thousand. In 1843 he was once more a candidate in opposition to Governor Jones, but the latter was reëlected by nearly four thousand majority.

CHAPTER VII.

Presidential Canvass of 1844—The Texas Question—Letter of Mr. Polk to the Citizens of Cincinnatti—The Baltimore Convention—Nomination of Mr. Polk—His Acceptance—Resolutions of the Convention—The Election—Reception at Nashville—Journey of the President Elect to Washington—His Inauguration—Address.

On leaving the executive chair of Tennessee, Mr. Polk returned, without a single murmur or feeling of regret, to private life. Its peace and tranquillity, its happiness and content, its calm and sweet pleasures, were congenial to his disposition and his tastes. Fortune had not showered wealth upon him with a lavish hand; nor had he ever taken advantage of the frequent opportunities presented to him, to enrich himself by speculation. *Festina lente*—"make haste slowly"—was his motto in the studies and pursuits of his youth, and in the occupations of maturer years. He possessed a competence—all that he needed or desired—which enabled him to be liberal in the bestowment of his charities, and to dispense a generous hospitality to his numerous friends. And more than all, and above all, there dwelt by his fireside a ministering angel, whose virtues and graces made his home a paradise of joys.

But a politician, like a revolution, can rarely go backward. As a combatant who entered the lists at the Olympian Games could not retire without dishonor, so

he who has long been before the people as a candidate for their suffrages, and been elevated by them to positions of distinction, is not often permitted to withdraw himself voluntarily from the political arena. The claims of party friends upon the leader whom they have supported are always strong, and generally irresistible. Mr. Polk was not without ambition; but he preferred henceforth to rely upon others to secure his advancement, if they desired so to do, and contented himself with being in the main a passive instrument in their hands. In 1841 and 1843, he came forward as a candidate for governor, only in compliance with the general desire of his party.

The wishes and expectations of his friends were early fixed on the presidential office. At the session of the Tennessee legislature in 1839, he was nominated by that body for the vice-presidency, to be placed on the ticket with Mr. Van Buren, and with the expectation, no doubt, that he might succeed that gentleman in the higher office. He was afterward nominated in other states for the same position; but as Colonel Johnson seemed to be the choice of the great body of the republican party in the Union, no efforts of importance were made by the friends of the former, and at the election in 1840 he received but one electoral vote, in the college of Virginia.

From the time of the defeat of Mr. Van Buren, in 1840, up to within a few weeks previous to the assembling of the national democratic convention at Baltimore, in May, 1844, public opinion in the republican party seemed to be firmly fixed upon him as their candidate for reëlection to the station which he had once filled. But

in the month of April, 1844, a treaty was concluded under the auspices of President Tyler, between the representatives of the government of the United States and of the republic of Texas, providing for the annexation* of the latter to the American Confederacy. This measure, though long in contemplation, like the apple of discord, was fruitful in strife and dissension. Hitherto it had been conceded on every hand, that Mr. Van Buren and Mr. Clay ought to be, and would be, the rival candidates for the presidency in 1844; but now the political elements were thrown into complete confusion. The opinions of almost every public man in the United States were inquired after; and among others, Mr. Polk was addressed, it being understood that he would be a prominent candidate at the Baltimore Convention for the republican nomination for vice-president. At a meeting of citizens of Cincinnati opposed to the annexation, held on the 29th of March, a committee was appointed to correspond with the prominent men of both political parties, and to solicit from them an expression of their views upon the Texas question. From this committee Mr. Polk received a letter, accompanying a copy of the proceedings of the meeting at Cincinnati, to which he returned the following reply:—

COLUMBIA, Tennessee, April 22, 1844.

GENTLEMEN:—Your letter of the 30th ult., which you have done me the honor to address to me, reached my residence during my absence from home, and was not re-

* The term *reannexation* was frequently used during the canvass, as synonymous with *annexation*; because Texas originally formed part of the Louisiana purchase, and belonged to the United States.

ceived until yesterday. Accompanying your letter you transmit to me, as you state, "a copy of the proceedings of a very large meeting of the citizens of Cincinnati, assembled on the 29th ult., to express their settled opposition to the annexation of Texas to the United States." You request from me an explicit expression of opinion upon this question of annexation. Having at no time entertained opinions upon public subjects which I was unwilling to avow, it gives me pleasure to comply with the request. I have no hesitation in declaring, that I am in favor of the *immediate reännexation* of Texas to the territory and government of the United States. I entertain no doubts as to the power or expediency of the reännexation. The proof is fair and satisfactory to my own mind, that Texas once constituted a part of the territory of the United States, the title to which I regard to have been indisputable as that to any portion of our territory. At the time the negotiation was opened with a view to acquire the Floridas, and the settlement of other questions, and pending that negotiation, the Spanish Government itself was satisfied of the validity of our title, and was ready to recognize a line far west of the Sabine as the true western boundary of Louisiana, as defined by the treaty of 1803 with France, under which Louisiana was acquired. This negotiation, which had at first opened at Madrid, was broken off and transferred to Washington, where it was resumed, and resulted in the treaty with Florida, by which the Sabine was fixed on as the western boundary of Louisiana. From the ratification of the treaty of 1803 with France, until the treaty of 1819, with Spain, the territory now constituting the Re-

public of Texas, belonged to the United States. In 1819 the Florida treaty was concluded at Washington, by Mr. John Q. Adams, (the Secretary of State,) on the part of the United States, and Don Luis de Onis on the part of Spain; and by that treaty this territory lying west of the Sabine, and constituting Texas, was ceded by the United States to Spain. The Rio del Norte, or some more western boundary than the Sabine, could have been obtained, had it been insisted on by the American Secretary of State, and by increasing the consideration paid for the Floridas. In my judgment, the country west of the Sabine, and now called Texas, was most unwisely ceded away. It is a part of the great valley of the Mississippi, directly connected by its navigable waters with the Mississippi river: and having once been a part of our Union, it should never have been dismembered from it. The Government and people of Texas, it is understood, not only give their consent, but are anxiously desirous to be reünited to the United States. If the application of Texas for a reünion and admission into our Confederacy, shall be rejected by the United States, there is imminent danger that she will become a dependency if not a colony of Great Britain—an event which no American patriot, anxious for the safety and prosperity of this country, could permit to occur without the most strenuous resistance. Let Texas be reännexed, and the authority and laws of the United States be established and maintained within her limits, as also in the Oregon Territory, and let the fixed policy of our Government be, not to permit Great Britain or any other foreign power to plant a colony or hold dominion over any portion of the people or territory of either.

These are my opinions; and without deeming it necessary to extend this letter, by assigning the many reasons which influence me in the conclusions to which I come, I regret to be compelled to differ so widely from the views expressed by yourselves, and the meeting of citizens of Cincinnati whom you represent. Differing, however, with you and with them as I do, it was due to frankness that I should be thus explicit in the declaration of my opinions.

I am, with great respect,
Your obedient servant,
JAMES K. POLK.

To Messrs. S. P. CHASE, THOMAS HEATON, &c., &c.,
Committee, Cincinnati.

Mr. Polk concurred in the opinion entertained, and expressed on various occasions, by the most distinguished statesmen and diplomatists of the United States—by Jefferson, Madison, Monroe, Livingston, Clay, Adams, Jackson, and Van Buren—that Texas formed part of Louisiana, and was included in the territory ceded to the American government by France in 1803. La Salle, a Frenchman, was the first white man that descended the Mississippi river to its mouth, and "the first to display the lily of France to the winds of that imperial valley." The first white colony, too, planted in Texas, was established by the French, under La Salle, on the bay of St. Bernard, or Matagorda, in the year 1685.* The Spaniards, indeed, claimed that the country formed part of the conquest of Cortés, and in 1690 they drove out the

* Marbois' History of Louisiana, p. 107.

French colony, and made their first permanent settlement at San Francisco; but the French always insisted upon their prior right of discovery, and the early Spanish geographers seemed more than half disposed to concede it.*

Texas was included in the grant made by Louis XIV. to Crozat, Marquis du Châtel, in 1712.† It was subsequently ceded to Spain, in 1761, and in 1800 retroceded to France, as a part of Louisiana, by the treaty of San Ildefonso. Such, at least, was the understanding of the French government, and of the American plenipotentiaries,‡ when the treaty of 1803 was concluded, by which the United States acquired all "the rights and appurtenances" belonging to France under or by virtue of the treaty of San Ildefonso.§ The Spanish government, with the tenacity peculiar to their national character, still urged their claims, and were desirous of limiting the United States to the valley of the Mississippi proper. A protracted negotiation ensued between them and Spain. The latter was inclined to surrender all her pretensions to the territory extending westward from the Mississippi to the Rio Grande;‖ but this was rendered unnecessary, as the government of the United States consented to renounce its rights west of the Sabine river, in consideration of the cession of the Floridas, by the treaty of 1819.¶ And, what is a remarkable feature in this ne-

* Diccionario Geográfico-Historico de las Indias Occidentales ó América, (Madrid, 1789,) v. "Louisiana."

† 1 Laws, 439.

‡ Marbois' History of Louisiana, p. 167, et seq.

§ Lyman's Diplomacy, vol. i, p. 399.

‖ Exposé of Hon. George W. Erving, American Minister to Spain.

¶ Elliott's Diplomatic Code, vol. i., p. 417.

gotiation, when the Spanish minister, Don Luis de Onis, who had concluded the treaty on the part of his government, returned home, he boasted that he had obtained a great advantage, by his superior tact and ability.

The cession of Texas, or the renunciation of the American claim, in 1819, was, in the opinion of Mr. Polk, most unwisely made; and he heartily approved of the efforts of John Quincy Adams and Andrew Jackson, during their respective administrations, to recover the territory thus surrendered. He therefore favored the reäcquisition, or reännexation of Texas, when the measure was first proposed. It was desirable, in his estimation, in a geographical point of view, because the territory formed a most valuable part of the valley of the Mississippi; and highly important, in a military aspect, for the security of New Orleans, the great commercial mart in the southwestern part of the Union, which would be endangered, in time of war, by a hostile power being in such close proximity, and having the control of the upper waters of the Red river, by which it could be approached, or seriously menaced, in the rear.

There was but one question of doubt connected with the proposition for the annexation of Texas; and that was, in what manner, and to what extent, it would affect the relations of the United States with Mexico, already on a most unfriendly footing. But the difficulty which this question presented, was rather apparent than real. Under the Spanish colonial government, Texas was a separate and distinct province, having a separate and distinct local organization; and it remained in that condition until its temporary union with Coahuila, with which it formed the "State of Coahuila y Tejas."

Texas "was one of the unities that composed the general mass of the nation, and as such participated in the war of the Revolution, and was represented in the Constituent Congress of Mexico that formed the constitution of 1824. This Constituent Congress, so far from destroying this unity, expressly recognized and confirmed it, by the law of May 7th, 1824, which united Texas with Coahuila provisionally, under the especial guarantee of being made a state of the Mexican confederation as soon as it possessed the necessary elements. That law and the federal constitution gave to Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people of Texas acting for themselves as a unity and not as a part of Coahuila, for the reason that the union with Coahuila was limited, and only gave power to the state of Coahuila and Texas to govern Texas for the time being, *but always subject to the vested rights of Texas.* The state, therefore, cannot relinquish those vested rights, by agreeing to the change of government, or by any other act, unless expressly authorized by the people of Texas to do so; neither can the general government of Mexico legally deprive Texas of them without the consent of this people."* Under the constitution of Coahuila and Texas, also, the latter was absolutely "free and independent of the other united Mexican States."†

The history of the revolution in Texas must be familiar to every American reader, and it is therefore unnecessary

* Speech of Colonel Austin, quoted in Foote's Texas and the Texans, vol. ii., p. 62.

† Kennedy's Texas, vol. ii.,p. 444.

to present here the details of that memorable struggle. In 1833, the people of Texas adopted a state constitution, and in accordance with the guarantee of 1824, applied for admission into the Mexican confederacy as a separate state. The request was denied, by the authorities of the general government of Mexico, and that under circumstances, and in a manner, which reflected lasting disgrace upon them. Two years later the confederacy was dissolved, and a consolidated government established in its stead, in October, 1835, by the dictator Santa Anna. The confederation being broken, each one of its members was from that moment absolved from all allegiance to the central authority. Availing herself of her indisputable right and privilege, Texas promptly refused to acquiesce in the new order of things, and by a solemn decree proclaimed her independence of the central government of Mexico.* This declaration was maintained by force of arms; and on the 21st of April, 1836, the last considerable army ever sent by Mexico to subjugate Texas, was completely vanquished and overthrown, on the banks of the San Jacinto.

From this time forth, the efforts of Mexico to reduce Texas to submission to her power and authority, were confined to border forays and predatory incursions, in which acts of wanton cruelty and injustice, unworthy of a civilized nation, were committed by the officers of her armies. Yet they found it utterly impossible to obtain undisturbed possession of any portion of the territory north of the Rio Grande, which Texas now claimed to be her southern and western boundary, and below the moun-

* Kennedy's Texas, vol. ii, pp. 61, 89, 111.

tainous barriers at El Paso; and each year that rolled by, only served to demonstrate more clearly, the inability of Mexico to subdue the people of Texas.

The independence which Texas had achieved, was acknowledged by the government of the United States, in March, 1837, and shortly afterward, by England, France, Holland, and Belgium. This acknowledgment only admitted that Texas was *de facto* independent, and left the question, whether or no she was a *de jure* government, to be determined by subsequent events. But after six years had passed without any serious efforts having been made by Mexico to conquer Texas, the American Secretary of State instructed the representative of his government in the former country, that the United States regarded Texas as an independent state, equally with Mexico, and as forming "no part of the territory of Mexico." "From the time," said the dispatch, "of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to reëstablish her own authority over the territory."*

This affirmation, authoritatively made by the American government, of the principle, that a revolted province, by maintaining a successful resistance to the authority

* Dispatch of Mr. Webster, July 8, 1842.

of the mother country—admitting that such was the relationship between Mexico and Texas, as was claimed by the former—for a period of six or seven years, acquired the right to be regarded, for all and every purpose, as an independent nation, was communicated to the Mexican authorities. A feeble and puerile effort was then made to subjugate Texas, but like all former attempts, it terminated in disaster and disgrace. General Woll crossed the Rio Grande at three different times, in the fall of 1842, and succeeded in capturing a Texan court, jury, lawyer, witnesses, and a few spectators, whom he found in session at San Antonio de Bexar; but when the alarm was given that the Texan troops were approaching, the marauding parties under his command fled across the Rio Grande, as if some avenging demon was upon their track.

So ended the attempt of Mexico to extend her supreme authority over the soil and the people of Texas; and in view of these historical facts, how can it be contended for a moment, that she had the least right to complain of the United States, for entering into negotiations for the acquisition of Texas, without reference to, or consultation with her? Whatever claims she might originally have had, her utter inability to maintain them was so palpable, that when she again announced her intention to enforce them, it excited the ridicule of all Christendom. Let it be conceded even, that Texas was a revolted state, and not a seceder from a confederacy which had been violently ruptured by an usurper. She had defied the power of the mother country—she had achieved her independence; and the fact that she was so independent, had

been duly acknowledged by most of the great powers of the world. Will it be argued, that Mexico should herself have acknowledged that independence, and abandoned her claims? Centuries might have elapsed,—this might never have been done,—and yet not a single Mexican soldier dared to set his foot on the left bank of the Rio Grande for purposes of conquest. Was the authority of Cromwell during the Protectorate, or of the Empire under Napoleon, ever questioned, because the dynasties which they had overthrown had not acknowledged that authority? William III. and Louis Philippe were at the head of revolutionary governments, but was the royal power ever gainsayed, because the Stuarts or the elder branch of the Bourbon family had not surrendered their claims? Who ever contended, that the treaties concluded by Holland for half a century prior to the recognition of her independence by Spain, by the United States previous to 1783, or by the South American States before they were acknowledged to be independent by the mother countries, were void and of no effect? Did Mexico, indeed, entertain any scruples when she entered into a treaty with the United States, regulating the boundaries of her territory, in the year 1828, and long before Spain recognized her independence?

It was not only desirable that Texas should be annexed, in the opinion of Mr. Polk, but he thought it should be done immediately, for these reasons: While the treaty of 1844 was under consideration in the Senate of the United States, all the official correspondence between the representatives of the two governments was most unadvisedly made public; and from this it appeared, that

the protracted war in which Texas had been engaged, had completely exhausted her resources. It was to be apprehended, therefore, if her overtures for annexation should be rejected—as had previously been the case, on several occasions, when she applied for admission into the American Union—that the fear lest the unwise disclosure of her weakness would invite fresh hostilities on the part of Mexico, which she was not in a condition to resist, would induce her to seek a permanent alliance with some foreign power.

England had for years cast a longing eye upon Texas, and she had refused to unite with France and the United States, in a joint effort to procure the recognition of the independence of the young republic by Mexico. From the extensive forests of live oak that dotted the surface of Texas, she hoped to procure an abundance of ship timber for the uses of her navy, and from its rich interval lands and wide-spreading prairies, an inexhaustible supply of cotton for her manufactories. For the latter she had long been dependent on the United States, and she desired to be freed from that condition of dependence. She attempted to raise cotton in Egypt, in Demerara, and in India, but her schemes entirely failed; and as a last resort she turned her attention toward Texas. A commercial treaty was formed with her, soon after her independence was acknowledged by the United States, under the operation of which the exports of the latter to Texas fell off over three-fourths within the short space of three years. It may be doubted, whether England desired to bring Texas under her sway as a colony, but that she designed to make her a commercial dependency is apparent.

Moreover, the British government, through her speakers on the floor of Parliament,* and the dispatches and official correspondence of her ministers,† avowed a desire to procure the abolition of domestic slavery in Texas. The object which she had in view was obvious; and the safety and tranquillity of the Southern States of the Union demanded that her emissaries should not be suffered to carry out their schemes, and that her authority should not be felt or acknowledged, in a territory lying close upon their borders.

When the Texas question was presented in this manner to the American people, public men, and the parties to which they belonged, arrayed themselves upon one side or the other. The whig party at the north opposed the annexation, because, as they alleged, it would be an act of bad faith toward Mexico; because the debt of Texas, said to amount to ten or twelve millions of dollars, was to be assumed by the United States; and because they were opposed to the extension or increase of the slave territory. At the south, the whigs were divided; one portion of them advocating the annexation, and the other portion concurring with their party friends at the north upon the first two grounds of objection. The democratic party generally favored the annexation; but a portion of the party at the north, and a few of its members residing in the slave states, opposed it—some for all the reasons put forth by the whigs, but the greater number on account of the position of Texas with refer-

* Conversation between Lord Brougham and Lord Aberdeen, in the House of Lords.—London Morning Chronicle, August 19, 1843.

† Senate Doc. 341, 1st Session, 28th Congress, p. 27, et seq.

ence to Mexico. Mr. Van Buren and Mr. Clay agreed very nearly in their opinions. Both expressed themselves in favor of the acquisition of Texas, if the American people desired it, provided, however, that the consent of Mexico should be obtained, or, at least, that efforts should be made to procure it; and neither of them objected to the annexation on account of the slavery question collaterally connected with it.*

In the midst of the commotion produced by the agitation of the Texas question, the national democratic convention assembled at Baltimore, on the 27th day of May, 1844. Until the publication of his Texas letter, Mr. Van Buren had been by far the most prominent candidate; but when the Convention met, Lewis Cass, of Michigan, Richard M. Johnson, of Kentucky, James Buchanan, of Pennsylvania, and Levi Woodbury, of New Hampshire, all of whom were in favor of the immediate annexation of Texas, were supported for the presidential nomination by their respective friends, with greater or less earnestness. Immediately after the organization of the Convention, a rule was adopted, in accordance with the precedents established by the conventions of 1832 and 1835, requiring a vote of two-thirds to secure a nomination. Mr. Van Buren received a majority of the votes on the first ballot; seven additional ballotings were then had, but at no time did he receive a vote of two-thirds; whereupon his name was withdrawn by the New York delegation. The delegates opposed to his nomination, after the first ballot, concentrated their strength mainly

* Letter of Mr. Van Buren to Mr. Hammett, April 20th, 1844.—Letter of Mr. Clay from Raleigh; to Mr. Miller, July 1st, 1844; to Messrs. Peters and Jackson, July 27, 1844.

upon Mr. Cass; but as the friends of Mr. Van Buren numbered more than one-third of the Convention, and were irreconcilably hostile to the selection of any of the other candidates originally proposed, it was apparent that no nomination could be made without their consent.

The name of Mr. Polk had been freely spoken of in connection with the vice-presidency, and when the convention found itself in this dilemma, a number of his friends among the delegates voted for him on the eighth ballot as the presidential candidate. All conceded his unquestioned ability and talents, and the mention of his name operated like magic. Harmony was instantly restored. On the ninth ballot he received nearly all the votes of the members of the Convention, and the vote was subsequently made unanimous. The nomination for the vice-presidency was tendered with great unanimity to Silas Wright, of New York, a distinguished friend of Mr. Van Buren, but it was declined; and George M. Dallas, of Pennsylvania, was then put in nomination. The closing proceedings of the Convention were marked by great good feeling and enthusiasm, and when the members separated, the joy and satisfaction that filled their hearts, was manifested by their words, and depicted on their countenances.

The nomination of Mr. Polk was communicated to him by a committee appointed by the Convention. Unexpected as was the honor thus conferred upon him, he would have been more than mortal had he declined it. In reply to the committee he returned the subjoined letter of acceptance, in which he avowed his firm determination, in the event of his election, not to be again a candidate.

COLUMBIA, Tenn., June 12, 1844.

GENTLEMEN:—I have had the honor to receive your letter of the 29th ultimo, informing me that the democratic national convention, then assembled at Baltimore, had designated me to be the candidate of the democratic party for President of the United States, and that I had been unanimously nominated for that office.

It has been well observed, that the office of President of the United States should never be sought nor declined. I have never sought it, nor shall I feel at liberty to decline it, if conferred upon me by the voluntary suffrages of my fellow-citizens. In accepting the nomination, I am deeply impressed with the distinguished honor which has been conferred upon me by my republican friends, and am duly sensible of the great and mighty responsibilities which must ever devolve on any citizen who may be called to fill the high station of President of the United States.

I deem the present to be a proper occasion to declare, that if the nomination made by the convention shall be confirmed by the people, and result in my election, I shall enter upon the discharge of the high and solemn duties of the office with the settled purpose of not being a candidate for reëlection. In the event of my election, it shall be my constant aim, by a strict adherence to the old republican landmarks, to maintain and preserve the public prosperity, and at the end of four years, I am resolved to retire to private life. In assuming this position, I feel that I not only impose on myself a salutary restraint, but that I take the most effective means in my power of enabling the democratic party to make a free selection of a successor who may be best calculated to give effect to their will, and guard all the interests of our beloved country.

With great respect, I have the honor to be,
Your ob't servant,

JAMES K. POLK.

To Messrs. HENRY HUBBARD, WM. H. ROANE, &c., &c.

Prior to its adjournment, the Baltimore Convention adopted a series of resolutions, setting forth the principles that distinguished them as a party. By the acceptance of their nomination, Mr. Polk signified his approbation of those resolutions, and they are therefore inserted here:

RESOLUTIONS OF THE BALTIMORE CONVENTION.

Resolved, That the American Democracy place their trust, not in factitious symbols, not in displays and appeals insulting to the judgments and subversive of the intellect of the people, but in a clear reliance upon the intelligence, the patriotism, and the discriminating justice of the American masses.

Resolved, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world as the great moral element in a form of government springing from and upheld by the popular will; we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

Resolved, therefore, That, entertaining these views, the Democratic party of this Union, through their delegates assembled in a general convention of the States, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and reassert before the American people, the declaration of principles avowed by them, when on a former occasion, in general convention, they presented their candidates for the popular suffrages:

1. That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein, ought to be strictly construed by all the de-

partments and agents of the government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvement.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local internal improvements, or other State purposes; nor would such assumption be just and expedient.

4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country—that every citizen, and every section of the country, has a right to demand and insist upon an equality of rights and privileges, and a complete and ample protection of persons and property from domestic violence or foreign aggression.

5. That it is the duty of every branch of the government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the government.

6. That Congress has no power to charter a National Bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our Republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people.

7. That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the Abo-

litionists or others, made to induce Congress to interfere with the question of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.

8. That the separation of the moneys of the Government from banking institutions, is indispensable for the safety of the funds of the Government, and the rights of the people.

9. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of Liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the democratic faith; and every attempt to abridge the present privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute book.

Resolved, That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution; and that we are opposed to the law lately adopted, and to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

Resolved, That we are decidedly opposed to taking from the President the qualified Veto power, by which he is enabled, under restrictions and responsibilities, amply sufficient to guard the public interest, to suspend the passage of a bill, whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has thrice saved the American people from the corrupt and tyrannical domination of a Bank of the United States.

Resolved, That our title to the whole of the Territory of

Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; that the reöccupation of Oregon and the reännexation of Texas at the earliest practicable period, are great American measures, which this Convention recommends to the cordial support of the Democracy of the Union.

The candidates selected by the whig party, in opposition to the democratic nominees, were Henry Clay, of Kentucky, for president, and Theodore Frelinghuysen, of New Jersey, for vice-president. Mr. Tyler, the then president, was also put in nomination for the presidency, by a convention of his friends, but he subsequently withdrew his name and gave his support to the democratic ticket.

The nomination of Mr. Polk was not only well received; a spirit of enthusiasm, that could not fail to triumph, was instantly aroused in his favor. As General Jackson had received the appellation of "Old Hickory," so that of "Young Hickory" was applied to Mr. Polk, who resembled his distinguished friend of the Hermitage in his firmness and independence of character. The election was conducted with great spirit and animation. Mr. Van Buren and Mr. Cass, with the other candidates before the national convention, and their friends, cordially supported the ticket. Mass meetings were held in every county, and processions, with music and banners, were daily seen traversing the roads and by-ways of the interior, or threading the crowded thoroughfares of our large towns and cities.

It had been usual to subject the private character of candidates to a scathing ordeal. This is one of the evils,

among the many advantages, of our system of elections. But the purity of Mr. Polk's life disarmed scandal of her weapons. In this respect he was unassailed and unassailable.

This political contest, however, was not all show and display. There were great and important principles at stake, and they were in general frankly avowed, and fairly and honorably discussed. On the one side, the whigs supported as their candidate, the father and champion of the American system; they were committed in favor of a national bank, a protective tariff, the distribution of the proceeds of the public lands, and an extensive system of internal improvements; and they opposed the annexation of Texas. On the other hand, Mr. Polk had signalized the commencement of his public career, by his opposition to the system of measures advocated by Mr. Clay; and the democratic party were opposed to the incorporation of a national bank, to the distribution of the proceeds of the public lands, and to the prosecution by the general government of an extensive system of internal improvements; they were in favor of the annexation of Texas, and of a tariff in which revenue should be the primary, and protection the secondary feature. Individual exceptions there were to this general statement in regard to the political complexion of the two great parties,—as various shades of opinion are always found in such organizations, but they were comparatively few.

In Tennessee the election was exceedingly close. Mr. Polk gained largely upon the democratic vote in 1840; his majority was over seven hundred in Maury county, being three hundred more than at the gubernatorial elec-

tion of the previous year; but the Clay electoral ticket succeeded in the state by the diminutive majority of one hundred and twenty-four. In the electoral colleges, Mr. Polk received one hundred and seventy votes, and Mr. Clay one hundred and five.* The majority of Mr. Polk over his distinguished competitor, on the popular vote, was about forty thousand, exclusive of the vote of South Carolina, whose electors are chosen by the state legislature. The total vote was a little less than two million seven hundred thousand.

On the 28th of November—the result of the election being then known—Mr. Polk visited Nashville, and was honored with a public reception by his democratic friends, together with a number of their opponents in the late contest, who cheerfully united with them in paying due honors to the President elect of the people's choice. A brilliant civic and military procession escorted him to the public square in front of the Court-house, where he was addressed by the Hon. A. O. P. Nicholson, on behalf of the large assembly, that had collected to welcome him to the seat of government. To the address of Mr. Nicholson, congratulating him on his success, and assuring him of the high respect and admiration entertained for his intellectual capacity and his private virtues by the people of Tennessee, to whom he had been so long endeared, Mr. Polk returned the following reply, not more

* Mr. Polk received the electoral votes of Maine, New Hampshire, New York, Pennsylvania, Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Michigan, Indiana, Illinois, Missouri, and Arkansas; and Mr. Clay those of Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Tennessee, Kentucky, and Ohio.

honorable to his talents than to his kindness and generosity of heart:

"I return to you, sir, and to my fellow-citizens, whose organ you are, my sincere and unfeigned thanks for this manifestation of the popular regard and confidence, and for the congratulations which you have been pleased to express to me, upon the termination and result of the late political contest. I am fully sensible, that these congratulations are not, and cannot be personal to myself. It is the eminent success of our common principles which has spread such general joy over the land. The political struggle through which the country has just passed has been deeply exciting. Extraordinary causes have existed to make it so. It has terminated —it is now over—and I sincerely hope and believe, has been decided by the sober and settled judgment of the American people.

"In exchanging mutual congratulations with each other upon the result of the late election, the Democratic party should remember, in calmly reviewing the contest, that the portion of our fellow-citizens who have differed with us in opinion have equal political rights with ourselves; that minorities as well as majorities are entitled to the full and free exercise of all their opinions and judgments, and that the rights of *all*, whether of minorities or majorities, as such, are entitled to equal respect and regard.

"In rejoicing, therefore, over the success of the Democratic party, and of their principles, in the late election, it should be in no spirit of exultation over the defeat of our opponents; but it should be because, as we honestly believe, our principles and policy are better calculated than theirs to promote the true interests of the whole country.

"In the political position in which I have been placed, by the voluntary and unsought suffrages of my fellow-citizens, it will become my duty, as it will be my pleasure, faithfully and

truly to represent, in the Executive department of the government, the principles and policy of the great party of the country who have elected me to it; but at the same time, it is proper to declare, that I shall not regard myself as the representative of a party only, but of the whole people of the United States; and, I trust, that the future policy of the government may be such, as to secure the happiness and prosperity of ALL, without distinction of party."

In the evening of the 28th, a number of public and private houses were illuminated. Hilarity and glee prevailed on every hand; joy sparkled in every eye and beamed on every countenance; and the festivities of the day were protracted till a late hour.

Mr. Polk left his home in Tennessee, on his way to Washington, toward the latter part of January, 1845. He was accompanied on his journey by Mrs. Polk, and several personal friends. On the 31st instant, he had a long private interview at the Hermitage, with his venerable friend, Andrew Jackson. The leave-taking was affectionate and impressive, for each felt conscious, that, in all probability, it was a farewell forever. It was the son, in the pride of manhood, going forth to fulfil his high destiny, from the threshold of his political godfather, whose trembling lips, palsied with the touch of age, could scarce invoke the benediction which his heart would prompt. Ere another harvest moon shed its holy light upon a spot hallowed by so many memories and associations, the "hero of New Orleans" and the "defender of the Constitution" slept that sleep which knows no waking. A few years passed,—and he to whom that parting blessing had been given, with so fair and bright

a promise of a long life before him, had also joined the assembly of the dead. Truly, the realities of History are sometimes stranger far than the wildest creations of Fiction!

On the 1st of February, Mr. Polk and suite left Nashville, and proceeded as rapidly as possible, considering the demonstrations of respect with which he was everywhere received on his route, to the seat of government of the nation. For all who approached him—whatever might be the condition in life or occupation, the appearance or dress, of the individual—he had a kind word and friendly greeting. When the steamboat, on which he proceeded up the Ohio river, stopped at Jeffersonville, Indiana, "a plain-looking man came on board," said a passenger on the steamer, "who, from the soiled and coarse condition of his dress, seemed just to have left the plough handles, or spade, in the field. He pressed forward through the saloon of the boat, to where the President was standing, in conversation with a circle of gentlemen, through which he thrust himself, making directly for the President, and offering his hand, which was received with cordial good will. Says the farmer, 'How do you do, Colonel? I am glad to see you. I am a strong democrat, and did all I could for you. I am the father of twenty-six children, who were all for *Polk, Dallas, and Texas!*' Colonel Polk responded with a smile, saying, he was 'happy to make his acquaintance, feeling assured that he deserved well of his country, if for no other reason than because he was the father of so large a republican family."

The President elect with his party arrived at Wash-

CALIFORNIA

ington on the 13th of February, and was immediately waited upon by a Committee of the two Houses of Congress, who informed him that the returns from the electoral colleges had been opened, and the ballots counted, on the previous day; and that he had been declared duly elected President of the United States. He thereupon signified his acceptance of the office to which he had been chosen by the people, and desired the Committee to convey to Congress his assurances, that "in executing the responsible duties which would devolve upon him, it would be his anxious desire to maintain the honor and promote the welfare of the country."

On the 4th day of March, 1845, Mr. Polk was inaugurated President of the United States. An immense concourse of people assembled at Washington—every quarter of the Union being well represented—to witness the imposing ceremony. The morning was wet and lowery; but the spirits of the spectators were proof against the unfavorable influences of the weather. All parties joined in the appropriate observance of the day, and the national standard floated proudly from the flag-staffs of both democrats and whigs.

About eleven o'clock in the forenoon, the procession moved from the quarters of the President elect, at Coleman's Hotel—Mr. Polk and his predecessor, Mr. Tyler, riding together in an open carriage. Arrived at the capitol, the President elect and the ex-president entered the Senate Chamber. Here a procession was formed, when they proceeded to the platform on the east front of the capitol, from which Mr. Polk delivered his inaugural address:

INAUGURAL ADDRESS.

FELLOW-CITIZENS:—Without solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I cannot disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of President of the United States, even in the infancy of the Republic, distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed, now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our Government? Well may the boldest fear, and the wisest tremble, when incurring responsibilities on which may depend our country's peace and prosperity, and, in some degree, the hopes and happiness of the whole human family.

In assuming responsibilities so vast, I fervently invoke the aid of the Almighty Ruler of the Universe, in whose hands are the destinies of nations and of men, to guard this heaven-favored land against the mischiefs which, without His guidance, might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of the assembled multitude of my countrymen, to take upon myself the solemn obligation, "to the best of my ability, to preserve, to protect, and defend the Constitution of the United States."

A concise enumeration of the principles which will guide me in the administration policy of the government, is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The Constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed.

It will be my first care to administer the government in the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms. The government of the United States is one of delegated and limited powers, and it is by a strict adherence to the clearly granted powers, and by abstaining from the exercise of doubtful or unauthorized implied powers, that we have the only sure guaranty against the recurrence of those unfortunate collisions between the Federal and State authorities, which have occasionally so much disturbed the harmony of our system, and even threatened the perpetuity of our glorious Union.

"To the States respectively, or to the people," have been reserved "the powers not delegated to the United States by the constitution, nor prohibited by it to the States." Each State is a complete sovereignty within the sphere of its reserved powers. The government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the general government should abstain from the exercise of authority not clearly delegated to it, the States should be equally careful that, in the maintenance of their rights, they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the State governments in all their rights, as the most competent ad-

ministration for our domestic concerns, and the surest bulwark against anti-republican tendencies;" and to the "preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad."

To the government of the United States has been entrusted the exclusive management of our foreign affairs. Beyond that, it wields a few general enumerated powers. It does not force reform on the States. It leaves individuals over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the States; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation, consistent with the laws of the States. And we rejoice in the general happiness, prosperity and advancement of our country, which have been the offspring of freedom and not of power.

The most admirable and wisest system of well-regulated self-government among men, ever devised by human minds, has been tested by its successful operation for more than half a century; and, if preserved from the usurpations of the federal government on the one hand; and the exercise by the States of power not reserved to them on the other, will, I fervently hope and believe, endure for ages to come, and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot, I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system, which consists in substituting the mere discretion and caprice of the executive, or of majorities in the legislative department of the government, for powers which have been withheld from the federal government by the constitution. By the theory of our govern-

ment, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the constitution, and in conformity to it. One great object of the constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the constitution, as a shield against such oppression.

That the blessings of liberty which our constitution secures may be enjoyed alike by minorities and majorities, the executive has been wisely invested with a qualified veto upon the acts of the legislature. It is a negative power, and is conservative in its character. It arrests for the time hasty, inconsiderate, or unconstitutional legislation; invites reconsideration, and transfers questions at issue between the legislative and executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the constitution itself may be saved from infraction, and the rights of all preserved and protected.

The inestimable value of our federal Union is felt and acknowledged by all. By this system of united and confederated States, our people are permitted, collectively and individually, to seek their own happiness in their own way; and the consequences have been most auspicious. Since the Union was formed, the number of States has increased from thirteen to twenty-eight; two of these have taken their position as members of the confederacy within the last week. Our population has increased from three to twenty millions. New communities and States are seeking protection under its ægis, and multitudes from the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway, peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist schemes of ambition, usurpation, or con-

quest, is devoting itself to man's true interests, in developing his faculties and powers, and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries; and the hand is free to accomplish whatever the head conceives, not incompatible with the rights of a fellow-being. All distinctions of birth or of rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between Church and State; and perfect freedom of opinion is guaranteed to all sects and creeds.

These are some of the blessings secured to our happy land by our federal Union. To perpetuate them, it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands, under the protection of this glorious Union? No treason to mankind, since the organization of society, would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the government, let him remember that nothing human can be perfect; and that under no other system of government revealed by Heaven, or devised by man, has reason been allowed so free and broad a scope to combat error.

Has the sword of despots proved to be a safer or surer instrument of reform in government than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought of the possibility of its dissolution, and will be ready

to adopt the patriotic sentiment: "Our federal Union—it must be preserved." To preserve it, the compromise which alone enabled our fathers to form a common constitution for the government and protection of so many States, and distinct communities, of such diversified habits, interests and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of Union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret that, in some sections of our country, misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections—institutions which existed at the adoption of the constitution, and were recognized and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and a consequent destruction of our happy form of government, must speedily follow.

I am happy to believe, that at every period of our existence as a nation, there has existed, and continues to exist, among the great mass of our people, a devotion to the Union of the States, which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion, the compromises of the constitution must not only be preserved, but sectional jealousies and heartburnings must be discountenanced; and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies, or the peculiar interests of sections or classes, must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the constitution be preserved,—if sectional jealousies and heartburnings be discountenanced,—if our laws be just, and the gov-

ernment be practically administered strictly within the limits of power prescribed to it,—we may discard all apprehensions for the safety of the Union.

With these views of the nature, character and objects of the government, and the value of the Union, I shall steadily oppose the creation of those institutions and systems which, in their nature, tend to pervert it from its legitimate purposes, and make it the instrument of sections, classes, and individuals. We need no National Bank, or other extraneous institutions, planted around the government to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities, how impotent for good and how powerful for mischief.

Ours was intended to be a plain and frugal government: and I shall regard it to be my duty to recommend to Congress, and as far as the Executive is concerned, to enforce by all the means within my power, the strictest economy in the expenditure of the public money, which may be compatible with the public interests.

A national debt has become almost an institution of European monarchies. It is viewed in some of them, as an essential prop to existing governments. Melancholy is the condition of that people whose government can be sustained only by a system which periodically transfers large amounts from the labor of the many to the coffers of the few. Such a system is incompatible with the ends for which our republican government was instituted. Under a wise policy, the debts contracted in our revolution, and during the war of 1812, have been happily extinguished. By a judicious application of the revenues, not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the general government of the Union, and

that of many of the States. Happy would it be for the indebted States if they were freed from their liabilities, many of which were incautiously contracted. Although the government of the Union is neither in a legal nor a moral sense bound for the debts of the States, and it would be a violation of our compact of Union to assume them, yet we cannot but feel a deep interest in seeing all the States meet their public liabilities, and pay off their just debts, at the earliest practicable period. That they will do so, as soon as it can be done without imposing too heavy burdens on their citizens, there is no reason to doubt. The sound moral and honorable feeling of the people of the indebted States cannot be questioned; and we are happy to perceive a settled disposition on their part, as their ability returns, after a season of unexampled pecuniary embarrassment, to pay off all just demands, and to acquiesce in any reasonable measure to accomplish that object.

One of the difficulties which we have had to encounter in the practical administration of the government, consists in the adjustment of our revenue laws, and the levy of taxes necessary for the support of government. In the general proposition, that no more money shall be collected than the necessities of an economical administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country."

I have heretofore declared to my fellow-citizens that, in my "judgment, it is the duty of the government to extend as far as may be practicable to do so, by its revenue laws, and all other means within its power, fair and just protection

to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce and navigation." I have also declared my opinion to be in "favor of a tariff for revenue," and that in adjusting the details of such a tariff, I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and at the same time, afford reasonable incidental protection to our home industry, and that I was "opposed to a tariff for protection merely, and not for revenue."

The power "to lay and collect taxes, duties, imposts, and excises," was an indispensable one to be conferred on the federal government, which, without it, would possess no means of providing for its own support. In executing this power, by levying a tariff of duties for the support of government, the raising revenue should be the object, and protection the incident. To reverse this principle, and make protection the object and revenue the incident, would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue, it is doubtless proper to make such discriminations within the revenue principle, as will afford incidental protection to our home interests. Within the revenue limit, there is a discretion to discriminate; beyond that limit, the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discrimination within the revenue range, it is believed will be ample. In making discriminations, all our home interests should, as far as practicable, be equally protected.

The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another, would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally

entitled to the fostering care and protection of the government. In exercising a sound discretion in levying discriminating duties, within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few, at the expense of the toiling millions, by taxing lowest the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy: and highest, the necessaries of life, or articles of coarse quality and low price, which the poor and great mass of the people must consume. The burdens of government should, as far as practicable, be distributed justly and equally among all classes of our population. These general views, long entertained on the subject, I have deemed it proper to reiterate. It is a subject upon which conflicting interests of sections and occupations are suposed to exist, and a spirit of mutual concession and compromise in adjusting its details should be cherished by every part of our wide-spread country, as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The republic of Texas has made known her desire to come into our Union, to form a part of our confederacy, and to enjoy with us the blessing of liberty secured and guaranteed by our constitution. Texas was once a part of our country—was unwisely ceded away to a foreign power—is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory, and to merge her sovereignty as a separate and independent State, in ours. I congratulate my country that, by an act of the last Congress of the United States, the assent of this government has been given to the reünion; and it only remains for the two countries to agree upon the terms, to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers, competent to contract; and foreign nations have no right to interfere with them, or to take exceptions to their reünion. Foreign powers do not seem to appreciate the true character of our government. Our Union is a confederation of independent States, whose policy is peace with each other and all the world. To enlarge its limits, is to extend the dominion of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our government. While the chief magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must, in their own persons, bear all the burdens and miseries of war, our government cannot be otherwise than pacific. Foreign powers should, therefore, look on the annexation of Texas to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation, with the consent of that member—thereby diminishing the chances of war, and opening to them new and ever-increasing markets for their products.

To Texas the reünion is important, because the strong protecting arm of our government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed; while the safety of New Orleans, and of our southwestern frontier, against hostile aggression, as well as the interest of the whole Union, would be promoted by it.

In the earlier stages of our national existence, the opinion prevailed with some, that our system of confederated states could not operate successfully over an extended territory, and serious objections have, at different times, been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has

shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinguished. New States have been admitted into the Union; new Territories have been created, and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened; as our boundaries have been enlarged, and our agricultural population has been spread over a large surface, our federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow, if our present population were confined to the comparatively narrow limits of the original thirteen States, than it is, now that they are sparsely settled over an expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits; and that, as it shall be extended, the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace, if Texas remains an independent State, or becomes an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas, to occasional wars, which so often occur between bordering independent nations? Is there one who would not prefer free intercourse with her, to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens, to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas, will remain her own, whether annexed to the United States or not. None of the present States will be responsible for them, any more than they are for the local institutions of each other. They have confederated together for certain specified objects.

Upon the same principle that they would refuse to form a

perpetual union with Texas, because of her local institutions, our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure, and many reasons for its adoption, vitally affecting the peace, the safety, and the prosperity of both countries, I shall, on the broad principle which formed the basis, and produced the adoption of our constitution, and not in any narrow spirit of sectional policy, endeavor, by all constitutional, honorable, and appropriate means, to consummate the express will of the people and government of the United States, by the re-ännexation of Texas to our Union, at the earliest practicable period.

Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is "clear and unquestionable;" and already are our people preparing to perfect that title, by occupying it with their wives and children. But eighty years ago, our population was confined on the west by the ridge of the Alleghanies. Within that period—within the life-time, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately, wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot long be delayed, within the sphere of our federative Union. In the

meantime, every obligation imposed by treaty or conventional stipulations, should be sacredly respected.

In the management of our foreign relations, it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country, or sacrifice any one of the national interests, will be studiously avoided; and yet no opportunity will be lost to cultivate a favorable understanding with foreign governments, by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skilful artisans, find a ready market and remunerating prices in foreign countries.

In taking "care that the laws be faithfully executed," a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue, will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys entrusted to them, at the times and in the manner required by law, will, in every instance, terminate the official connection of such defaulting officer with the government.

Although, in our country, the chief magistrate must almost of necessity be chosen by a party, and stand pledged to its principles and measures, yet in his official action, he should not be the president of a part only, but of the whole people of the United States. While he executes the law with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the executive department of the government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the coördinate branches of the government, in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour, to continue his generous benedictions upon us, that we may continue to be a prosperous and happy people.

Having concluded his address, the oath of office was administered to the president by Chief Justice Taney, after which the former left the capitol in his carriage, and proceeded rapidly, by an indirect route, in order to avoid further fatigue, to the president's house, where, during the after part of the day, he received the congratulations of his fellow-citizens. In the evening, the president and his lady attended the two inauguration balls given in the city. Thus ended a ceremony which had, doubtless, caused him many a moment of unrest, and to which thousands had looked forward with beating hearts and with deep anxiety.

In such a manner does the American republic change her sovereigns—no pomp or ostentatious parade—no military escort for protection—no heralds or pursuivants to make proclamation—no crowns or insignia emblematic of royalty—no holy *ampulla* to pour upon the consecrated head—but a plain and simple ceremony in unison with her free institutions, and with the genius and character of her people!

CHAPTER VIII.

Position of the President—His Cabinet—The Washington Globe and The Union—Meeting of Congress—First Annual Message—The Oregon Boundary Question—History and Progress of the Negotiation—Ultimatum of the American Government—Proposition of Great Britain—Conclusion and Ratification of a Treaty.

Mr. Polk entered upon his administration under somewhat unfavorable auspices. He belonged to a younger race of statesmen than the prominent candidates whose names were originally presented to the Baltimore Convention, and it was but natural that he should be fearful of incurring the dislike, or encountering the prejudices, of some one or more of them, which might tend seriously to embarrass his administration. But his position personally, was all that could be desired. He had no pledges to redeem—no promises to fulfil; and he was not a candidate for reëlection. He was indifferent, too, as to which of the leading men of his party should be his successor. It was his desire, therefore, to harmonize and conciliate, but, at the same time, to surrender no principle, to maintain his character for independence, and to preserve the dignity of his official position.

His cabinet was selected from among the most distinguished members of the democratic party, and in it each section of the confederacy was represented. James

Buchanan, of Pennsylvania, was appointed Secretary of State; Robert J. Walker, of Mississippi, Secretary of the Treasury; William L. Marcy, of New York, Secretary of War; George Bancroft, of Massachusetts, Secretary of the Navy; Cave Johnson, of Tennessee, Postmaster-general, and John Y. Mason, of Virginia, Attorney-general.* These selections appeared to give entire satisfaction; and if murmurs were heard in any quarter, they were condemned by the general voice of the republicans of the nation.

For several years a strong and influential portion of the democratic party in the southern states had disapproved of the arbitrary and dictatorial tone, as they alleged, of the Washington Globe, the principal republican journal at Washington. Governed by the purest motives of conciliation, the President suggested the transfer of the newspaper establishment to other persons than the then publishers, Francis P. Blair and John C. Rives. The latter, acting under the advice and with the approbation of General Jackson and Mr. Van Buren, acceded to this proposition; their interest in the Globe was cheerfully transferred, and a new paper, called "The Union," established in its stead, under the editorial

* The office of Secretary of the Treasury was in the first place tendered by Mr. Polk to Silas Wright, of New York; but as the latter had been chosen governor of his state, at the election of 1844, and was under an implied pledge not to vacate the office for a seat in the national cabinet, he did not accept it. The office of Secretary of War was then tendered to Benjamin F. Butler, also a distinguished citizen of New York, but he too declined; whereupon ex-Governor Marcy was selected for that station, in accordance with the request of a majority of the democratic delegation in Congress from New York, and of a majority of the members of the legislature of the state belonging to that party.

charge of Thomas Ritchie, who had long been honorably connected with the Richmond Enquirer in the same capacity.

The treaty for the annexation of Texas, concluded by President Tyler, was rejected by the Senate of the United States, on the 8th day of June, 1844. At the ensuing session of Congress, the subject was again brought forward, and joint resolutions, providing for the annexation, were adopted on the 1st day of March, 1845. The people of Texas, represented in convention, signified their assent to the terms of the resolutions on the 4th of July following, and formed a state constitution, which was forwarded to Washington to be laid before the Congress of the United States by the President.

The first session of the twenty-ninth Congress,—being also the first held during the administration of Mr. Polk,—commenced on the 1st day of December, 1845. The friends of the administration being in a considerable majority, John W. Davis was elected speaker of the House, by one hundred and twenty votes to seventy-two given for Samuel F. Vinton, of Ohio, the whig candidate. On the ensuing day the President communicated his first annual message to the two houses of Congress:

FIRST ANNUAL MESSAGE.

Fellow-citizens of the Senate, and House of Representatives:

It is to me a source of unaffected satisfaction to meet the representatives of the States and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing for the first time the duty imposed on me by the Constitution, of giving to you information of the state of the Union,

and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the union of the States, and for the doctrines of popular liberty, which lie at the foundation of our government.

It becomes us, in humility, to make our devout acknowledgment to the Supreme Ruler of the Universe, for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state, that though with some of them there have existed since your last session serious cause of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs to "ask nothing that is not right, and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations; but, at the same time, to be prepared to resist aggression, and to maintain all our just rights.

In pursuance of the joint resolution of Congress "for annexing Texas to the United States," my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the republic of Texas, as an overture, on the part of the United States, for her admission as a State into our Union. This election I approved, and accordingly the chargé d'affaires of the United States in Texas, under instructions of the tenth of March, 1845, presented these sections of the resolution for the acceptance of that republic. The Executive Government, the Congress, and the people of Texas in convention, have successively com-

plied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation, and ratified the constitution.

I communicate to Congress the correspondence between the Secretary of State and our Chargé d'Affaires in Texas; and also the correspondence of the latter with the authorities of Texas; together with the official documents transmitted by him to his own government.

The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event, but the passage of an act by Congress to admit the State of Texas into the Union upon an equal footing with the original States. Strong reasons exist why this should be done at an early period of the session. It will be observed, that by the Constitution of Texas, the existing government is only continued temporarily till Congress can act, and that the third Monday of the present month is the day appointed for holding the first general election. On that day, a governor, a lieutenant-governor, and both branches of the legislature, will be chosen by the people. The President of Texas is required, immediately after the receipt of official information that the new State has been admitted into our Union by Congress, to convene the Legislature; and, upon its meeting, the existing government will be superseded, and the State Government organized. Questions deeply interesting to Texas, in common with the other States, the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress; and, therefore, upon every principle of republican government, she ought to be represented in that body

without unnecessary delay. I cannot too earnestly recommend prompt action on this important subject.

As soon as the act to admit Texas as a State shall be passed, the union of the two republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions, over a reluctant people. It was the deliberate homage of each people to the great principle of our federative Union.

If we consider the extent of territory involved in the annexation—its prospective influence on America—the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our Union,—the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the federal constitution was bounded by the St. Mary's on the Atlantic, has passed the Capes of Florida, and been peacefully extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France—the country which had been our ancient ally—the country which, has a common interest with us in maintaining the freedom of the seas—the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico—the country with which we have been every year drawing more and more closely the bonds of successful commerce—most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation, and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that

the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example, European governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent, against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Toward Texas, I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her "lone star" to our glorious constellation.

I regret to inform you that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the 6th day of March last, the Mexican envoy extraordinary and minister plenipotentiary to the United States made a formal protest, in the name of his government, against the joint resolution passed by Congress, "for the annexation of Texas to the United States," which he chose to regard as a violation of the rights of Mexico, and, in consequence of it, he demanded his passports. He was informed that the government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offence to his government; that the Republic of Texas was an independent Power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission, and shortly afterwards left the country. Our envoy extra-

ordinary and minister plenipotentiary to Mexico was refused all official intercourse with that government, and, after remaining several months, by the permission of his own government he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

Since that time Mexico has, until recently, occupied an attitude of hostility toward the United States—has been marshalling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the Congress and convention of the people of Texas invited this Government to send an army into that territory, to protect and defend them against the menaced attack. The moment the terms of annexation, offered by the United States, were accepted by Texas, the latter became so far a part of our own country, as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the gulf was ordered to coöperate with the army. But though our army and navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war, or was herself the aggressor, by striking the first blow. The result has been that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion, that the peace of the two republics has not been disturbed.

Texas had declared her independence, and maintained it by her arms for more than nine years. She has had an organ-

ized government in successful operation during that period. Her separate existence, as an independent state, had been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her government, would be vain. Even Mexico herself had become satisfied of this fact; and whilst the question of annexation was pending before the people of Texas, during the past summer, the government of Mexico, by a formal act, agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume.

But though Mexico cannot complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States, through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs, and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the fifth of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 8th of February, 1837, the President of the United States declared, in a message to Congress, that "the length of time since some of the injuries

have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late Extraordinary Mexican Minister, would justify in the eyes of all nations immediate war."

He did not, however, recommend an immediate resort to this extreme measure, which, he declared, "should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided;" but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views, committees of the two Houses of Congress, in reports made to their respective bodies, concurred. Since these proceedings, more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838, with full authority to make another and final demand for redress. The demand was made; the Mexican government promised to repair the wrongs of which we complained; and after much delay, a treaty of indemnity with that view was concluded between the two Powers on the 11th of April, 1839, and was duly ratified by both governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to eighteen months; at the expiration of which, they had adjudicated and decided claims amounting to two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents in favor of citizens of the United States against the Mexican government, leaving a large amount of claims

undecided. Of the latter, the American commissioners had decided in favor of our citizens, claims amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered, and were left undisposed of.

The sum of two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that republic, the request was granted; and, on the thirtieth of January, 1843, a new treaty was concluded. By this treaty it was provided, that the interest due on the awards in favor of claimants under the convention of the eleventh of April, 1839, should be paid on the thirtieth of April, 1843; and that "the principal of the said awards, and the interest arising thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the thirtieth day of April, 1843, as aforesaid." The interest due on the thirtieth day of April, 1843, and the three first of the twenty instalments, have been paid. Seventeen of these instalments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than three millions of dollars, together with other claims for spoliations on the property of our citizens, were subsequently presented to the Mexican government for payment, and were so far recognized, that a treaty, providing for their examination and settlement by a

joint commission, was concluded and signed at Mexico on the twentieth day of November, 1843. This treaty was ratified by the United States, with certain amendments, to which no just exception could have been taken; but it has not yet received the ratification of the Mexican government. In the meantime, our citizens who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their government. Such a continued and unprovoked series of wrongs could never have been tolerated by the United States, had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognize her independence, and to receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have, therefore, borne the repeated wrongs she has committed, with great patience, in the hope that a returning sense of justice would ultimately guide her councils, and that we might, if possible, honorably avoid any hostile collision with her.

Without the previous authority of Congress, the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than be prepared to repel the threatened aggression on the part of Mexico. After our army and navy had remained on the frontier and coasts of Mexico for many weeks, without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view, I caused steps to be taken, in the month of September last, to ascertain distinctly, and in an authentic form, what the designs of the Mexican government were; whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle, in

an amicable manner, the pending differences between the two countries. On the ninth of November an official answer was received, that the Mexican government consented to renew the diplomatic relations which had been suspended in March last, and for that purpose were willing to accredit a minister from the United States. With a sincere desire to preserve peace, and restore relations of good understanding between the two republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them; and, assuming the initiative, on the tenth of November a distinguished citizen of Louisiana was appointed Envoy Extraordinary and Minister Plenipotentiary to Mexico, clothed with full powers to adjust, and definitively settle, all pending differences between the two countries, including those of boundary between Mexico and the State of Texas. The minister appointed has set out on his mission, and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period; which, it is expected, will be in time to enable me to communicate the result to Congress during the present session. Until that result is known, I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.

Congress appropriated at the last session the sum of two hundred and seventy-five thousand dollars for the payment of the April and July instalments of the Mexican indemnities for the year 1844: "Provided it shall be ascertained to the satisfaction of the American government that the said instalments have been paid by the Mexican government to the agent appointed by the United States to receive the same in such manner as to discharge all claim on the Mexican government, and said agent to be delinquent in remitting the money to the United States."

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information, in an authentic form, from the agent of the United States, appointed under the administration of my predecessor, was received at the State Department on the ninth of November last. This is contained in a letter dated the 17th October, addressed by him to one of our citizens then in Mexico, with the view of having it communicated to that department. From this it appears that the agent, on the 20th of September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July instalments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash, but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these instalments appear never to have been actually paid by the government of Mexico to the agent, and as that government has not therefore been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants out of the treasury, without further legislation. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether any, and what, relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican government, in an authentic and official form, and report the result with as little delay as possible.

My attention was early directed to the negotiation, which, on the 4th of March last, I found pending at Washington between the United States and Great Britain, on the subject of the Oregon territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful.

These negotiations took place at London, in the years 1818,

1824, and 1826; the two first under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the twentieth of October of that year. By the third article of that convention, it was "agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties in that respect being, to prevent disputes and differences among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826 having also failed to effect an adjustment by compromise, resulted in the convention of August the sixth, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the twentieth of October, 1818; and it was further provided, "that it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated after the expiration of the said term of service." In these attempts to adjust the controversy, the parallel of forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with

a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the forty-ninth degree, from the Rocky Mountains to its intersection of the northeasternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the Envoy Extraordinary and Minister Plenipotentiary of the United States in London, was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterwards transferred to Washington; and, on the twenty-third of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon the principles of "compromise;" and the avowed purpose of the parties was, "to treat of the respective claims of the two countries to the Oregon territory, with a view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean." Accordingly, on the twenty-sixth of August, 1844, the British Plenipotentiary offered to divide the Oregon territory by the 49th parallel of north latitude, from the Rocky Mountains to the point of its intersection with the northeasternmost branch of the Columbia River, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's Harbor inclusive, to Hood's Canal, and to make free to the United States any port or ports south of latitude 49 degrees, which they might desire, either on the main land, or on Quadra and Vancouver's Island. With the

exception of the free ports, this was the same offer which had been made by the British and rejected by the American Government, in the negotiation of 1826. This proposition was properly rejected by the American Plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British Plenipotentiary. The proposition on the part of Great Britain having been rejected, the British Plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British Plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity and with the reasonable expectations of the British government." The proposition thus offered

and rejected, repeated the offer of the parallel of forty-nine degrees of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this government will be relieved from all responsibility which may follow the failure to settle the controversy.

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit, Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties in their letter and spirit, has ever been, and, I trust, will ever be,

scrupulously observed by the United States. Under that convention, a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the convention of the sixth of August, 1827.

It will become proper for Congress to determine what legislation they can, in the mean time, adopt, without violating this convention. Beyond all question, the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have in consequence been compelled, for their own security and protection, to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachments to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British Parliament have proceeded in regard to British subjects in that territory, by their act of July the second, 1821, "for regulating the fur-trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects, engaged in the fur-trade in that territory. By it, the courts of the province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that province, and to "sit and hold courts of record for the trial of criminal offences and misdemeanors," not

made the subject of capital punishment, and also of civil cases, where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

Subsequent to the date of this act of Parliament, a grant was made from the "British crown," to the Hudson's Bay Company, of the exclusive trade with the Indian tribes in the Oregon territory, subject to a reservation that it shall not operate to the exclusion "of the subjects of any foreign States who, under or by force of any convention for the time being, between us and such foreign States respectively, may be entitled to, and shall be engaged in, the said trade."

It is much to be regretted, that, while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens, in the same territory, have enjoyed no such protection from their government. At the same time, the result illustrates the character of our people and their institutions. In spite of this neglect, they have multiplied, and their number is rapidly increasing in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes, by the adoption of republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail. It is due to them that they should be embraced and protected by our laws.

It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, should be extended to such tribes as dwell beyond them.

The increasing emigration to Oregon, and the care and protection which is due from the government to its citizens in that distant region, make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that territory. For this purpose, I recommend that provision be made for establishing an Indian agency, and such sub-agen-

cies as may be deemed necessary, beyond the Rocky Mountains.

For the protection of emigrants whilst on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and block-house forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains; and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not violate the provisions of the existing treaty. It will be doing nothing more for American citizens than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic States to Oregon; and although we have a large number of whale ships in the Pacific, but few of them afford an opportunity of interchanging intelligence, without great delay, between our settlements in that distant region and the United States. An overland mail is believed to be entirely practicable; and the importance of establishing such a mail, at least once a month, is submitted to the favorable consideration of Congress.

It is submitted to the wisdom of Congress to determine whether, at their present session, and until after the expiration of the year's notice, any other measures may be adopted, consistently with the convention of 1827, for the security of our rights, and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers, who, amidst privations and dangers, lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the conven-

tion between the United States and Great Britain, shall have ceased to exist, would be to doubt the justice of Congress; but, pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made, consistently with the spirit of that convention.

The recommendations which I have made, as to the best manner of securing our rights in Oregon, are submitted to Congress with great deference. Should they, in their wisdom, devise any other mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American continent, to which it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests, I refer you to the correspondence of the late and present Secretary of State with the British plenipotentiary during the negotiation. The British proposition of compromise, which would make the Columbia the line south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two-thirds of the whole Oregon territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two governments during the late negotiation.

The rapid extension of our settlements over our territories heretofore unoccupied; the addition of new States to our

confederacy; the expansion of free principles, and our rising greatness as a nation, are attracting the attention of the powers of Europe; and lately the doctrine has been broached in some of them, of a "balance of power" on this continent, to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, cannot in silence permit any European interference on the North American continent; and should any such interference be attempted, will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations, that this government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States cannot, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It cannot be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should

any portion of them, constituting an independent State, propose to unite themselves with our confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European Powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reäffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reässertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

A question has recently arisen under the tenth article of the subsisting treaty between the United States and Prussia. By this article, the consuls of the two countries have the right to sit as judges and arbitrators "in such differences as may arise between the captains and crews of vessels belonging to the nations whose interests are committed to their

charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or tranquillity of the country; or, the said consuls should require their assistance to cause their decisions to be carried into effect or supported."

The Prussian consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and the crew of the Prussian ship Borussia; but the request was refused on the ground that, without previous legislation by Congress, the judiciary did not possess the power to give effect to this article of the treaty. The Prussian government, through their minister here, have complained of this violation of the treaty, and have asked the government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish government and that of the United States, in December, 1831, American vessels, since the 29th of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary islands, on payment of the same tonnage duty of five cents per ton, as though they had been Spanish vessels; and this, whether our vessels arrive in Spain directly from the United States, or indirectly from any other country. When Congress, by the act of the 13th of July, 1832, gave effect to this arrangement between the two governments, they confined the reduction of tonnage duty merely to Spanish vessels "coming from a port in Spain," leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is man-

ifestly unjust that, whilst American vessels, arriving in the ports of Spain from other countries, pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December, 1831, between the two countries. The Spanish government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend, as an act of justice to Spain, that this inequality be removed by Congress, and that the discriminating duties which have been levied under the act of the 13th of July, 1832, on Spanish vessels coming to the United States from any other foreign country, be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June 30th, 1834, concerning tonnage duty on such vessels.

By the act of the 14th of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced, or the national character of the vessel in which it was imported. By the tariff act of the 30th August, 1842, this exemption from duty was restricted to coffee imported in American vessels from the place of its production; whilst coffee imported under all other circumstances was subjected to a duty of 20 per cent. *ad valorem*. Under this act, and our existing treaty with the King of the Netherlands, Java coffee imported from the European ports of that kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The government of the Netherlands complains that such a discriminating duty should have been imposed on coffee, the production of one of its colonies, and which is chiefly brought from Java to the ports of that king-

dom, and exported from thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries, and our relations with them have ever been of the most friendly character. Under all the circumstances of the case, I recommend that this discrimination should be abolished, and that the coffee of Java imported from the Netherlands be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the thirtieth of August, 1842, a duty of fifteen cents per gallon was imposed on Port wine in casks; while, on the red wines of several other countries, when imported in casks, a duty of only six cents per gallon was imposed. This discrimination, so far as regarded the Port wine of Portugal, was deemed a violation of our treaty with that power, which provides, that "No higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country." Accordingly, to give effect to the treaty, as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations; a treasury circular was issued on the sixteenth of July, 1844, which, among other things, declared the duty on the Port wine of Portugal, in casks, under the existing laws and treaty, to be six cents per gallon, and directed that the excess of duties which had been collected on such wine, should be refunded. By virtue of another clause, in the same section of the act, it is provided that all imitations of Port, or any other wines, "shall be subject to the duty provided for the genuine article." Imitations of Port wine, the production of France, are imported to some extent into the United States; and the government of that country now

claims that, under a correct construction of the act, these imitations ought not to pay a higher duty than that imposed upon the original Port wine of Portugal. It appears to me to be unequal and unjust, that French imitations of Port wine should be subjected to a duty of fifteen cents, while the more valuable article from Portugal should pay a duty of six cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late President, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texan government against the United States, which had been previously adjusted, so far as the powers of the Executive extend. These claims arose out of the act of disarming a body of Texan troops under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our government; and the forcible entry into the custom-house at Bryarly's landing, on Red River, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt, ascertained to be due to Texas when an independent State. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the Senate in March last, shortly afterwards set out on his mission in the United States ship Columbus. On arriving at Rio de Janeiro on his passage, the state of his health had become so critical, that, by the advice of his medical attendants, he returned to the United States early in the month of October last. Commodore Biddle, commanding the East India squadron, proceeded on his voyage in the Columbus, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the Emperor of China. Since

the return of the commissioner to the United States, his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America, which, following our example, have established their independence, while in others internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted, and their governments administered in a manner to protect the rights, and promote the prosperity of their people. It is contrary, however, to our settled policy, to interfere in their controversies, whether external or internal.

I have thus adverted to all the subjects connected with our foreign relations, to which I deem it necessary to call your attention. Our policy is not only peace with all, but good will towards all the Powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that in this enlightened age, these differences may be amicably adjusted.

The Secretary of the Treasury, in his annual report to Congress, will communicate a full statement of the condition of our finances. The imports for the fiscal year ending on the 30th of June last, were of the value of one hundred and seventeen millions two hundred and fifty-four thousand five hundred and sixty-four dollars, of which the amount exported was fifteen millions three hundred and forty-six thousand eight hundred and thirty dollars—leaving a balance of one hundred and one millions nine hundred and seven thousand seven hundred and thirty-four dollars for domestic consumption. The exports for the same year were of the value of one hundred and fourteen millions six hundred and forty-six thousand six hundred and six dollars; of which, the amount

of domestic articles was ninety-nine millions two hundred and ninety-nine thousand seven hundred and seventy-six dollars. The receipts into the treasury during the same year were twenty-nine millions seven hundred and sixty-nine thousand one hundred and thirty-three dollars and fifty-six cents; of which, there were derived from customs, twenty-seven millions five hundred and twenty-eight thousand one hundred and twelve dollars and seventy cents; from sales of public lands, two millions seventy-seven thousand and twenty-two dollars and thirty cents; and from incidental and miscellaneous sources, one hundred and sixty-three thousand nine hundred and ninety-eight dollars and fifty-six cents. The expenditures for the same period were twenty-nine millions nine hundred and sixty-eight thousand two hundred and six dollars and ninety-eight cents; of which eight millions five hundred and eighty-eight thousand one hundred and fifty-seven dollars and sixty-two cents were applied to the payment of the public debt. The balance in the treasury on the first of July last, was seven millions six hundred and fifty-eight thousand three hundred and six dollars and twenty-two cents.

The amount of public debt remaining unpaid on the first of October last, was seventeen millions seventy-five thousand four hundred and forty-five dollars and fifty-two cents. Further payments of the public debt would have been made in anticipation of the period of its reimbursement under the authority conferred upon the Secretary of the Treasury by the acts of July twenty-first, 1841, and of April fifteenth, 1842, and March third, 1843, had not the unsettled state of our relations with Mexico menaced hostile collision with that power. In view of such a contingency, it was deemed prudent to retain in the treasury an amount unusually large for ordinary purposes.

A few years ago, our whole national debt growing out of the Revolution and the war of 1812 with Great Britain, was extinguished, and we presented to the world the rare and

noble spectacle of a great and growing people who had fully discharged every obligation. Since that time, the existing debt has been contracted; and small as it is, in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and, especially, if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the treasury as they accrue, beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government, in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.

The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of government. Congress may, undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discriminations should be within the revenue standard, and be made with a view to raise money for the support of government.

It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish, or prohibit altogether, the importation of any given article, and thereby lessen or destroy the revenue which, at lower rates, would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of government. If Congress levy a

duty, for revenue, of one per cent. on a given article, it will produce a given amount of money to the treasury, and will incidentally and necessarily afford protection, or advantage, to the amount of one per cent. to the home manufacturer of a similar or like article, over the importer. If the duty be raised to ten per cent., it will produce a greater amount of money, and afford greater protection. If it be still raised to twenty, twenty-five or thirty per cent., and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to thirty-one per cent., and it is found that the revenue produced at that rate is less than thirty per cent., it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest, is the maximum rate of duty which can be laid for the *bona fide* purpose of collecting money for the support of government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and, as they increase the duties the revenue is diminished or destroyed, the act ceases to have for its object the raising of money to support government, but is for protection merely.

It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard; for such rates would probably produce a much larger amount than the economical administration of the government would require. Nor does it follow that the duties on all articles should be at the same or a horizontal rate. Some articles will bear a much higher revenue duty than others. Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, tak-

ing care so to adjust them on different articles as to produce in the aggregate, the amount which, when added to the proceeds of the sales of public lands, may be needed to pay the economical expenses of government.

In levying a tariff of duties, Congress exercises the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether, and permit their importation free of duty. On others they may impose low duties. In these classes may be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and the poor as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation and the mechanic arts, should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be, on all classes, in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class, necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust.

The terms "protection to domestic industry," are of popular import; but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in "domestic industry," and is as much entitled to have his labor "protected," as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry" in their different pursuits. The joint labors of all these classes constitute the aggregate of the "domestic industry" of the nation, and they are equally entitled to the nation's "protection." No one of them can justly claim to be the exclusive recipients of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others.

If these views be correct, it remains to inquire how far the tariff act of 1842 is consistent with them. That many of the provisions of that act are in violation of the cardinal principles here laid down, all must concede. The rates of duty imposed by it on some articles are prohibitory, and on others so high as greatly to diminish importations, and to produce a less amount of revenue than would be derived from lower rates. They operate as "protection merely," to one branch of "domestic industry," by taxing other branches.

By the introduction of minimums, or assumed and false values, and by the imposition of specific duties, the injustice and inequality of the act of 1842, in its practical operations on different classes and pursuits, are seen and felt. Many of the oppressive duties imposed by it under the operation of these principles, range from one per cent., to more than two hundred per cent.

They are prohibitory on some articles, and partially so on others, and bear most heavily on articles of common necessity, and but lightly on articles of luxury. It is so framed that much the greatest burden which it imposes is thrown on labor and the poorer classes who are least able to bear it, while it protects capital, and exempts the rich from paying their just proportion of the taxation required for the support of government. While it protects the capital of the wealthy manufacturer, and increases his profits, it does not benefit the operatives or laborers in his employment, whose wages have not been increased by it. Articles of prime necessity or of coarse quality and low price, used by the masses of the people, are in many instances subjected by it to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits except the capitalist who has made his investments in manufactures. All the great interests of the country are not, as nearly as may be practicable, equally protected by it.

The government, in theory, knows no distinction of persons or classes, and should not bestow upon some favors and privileges which all others may not enjoy. It was the purpose of its illustrious founders to base the institutions which they reared upon the great and unchanging principles of justice and equity, conscious that if administered in the spirit in which they were conceived, they would be felt only by the benefits which they diffused, and would secure for themselves a defence in the hearts of the people, more powerful than standing armies, and all the means and appliances invented to sustain governments founded in justice and oppression.

The well-known fact, that the tariff act of 1842 was passed by a majority of one vote in the Senate, and two in the House of Representatives, and that some of those who felt themselves constrained, under the peculiar circumstances existing at the time, to vote in its favor, proclaimed its defects, and expressed their determination to aid in its modificaton on the first opportunity, affords strong and conclusive evidence that it was not intended to be permanent, and of the expediency and necessity of its thorough revision.

In recommending to Congress a reduction of the present rates of duty, and a revision and modification of the act of 1842, I am far from entertaining opinions unfriendly to the manufacturers. On the contrary, I desire to see them prosperous, as far as they can be so, without imposing unequal burdens on other interests. The advantage under any system of indirect taxation, even within the revenue standard, must be in favor of the manufacturing interest; and of this no other interest will complain.

I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of ad valorem duties, as the fairest and most equitable indirect tax which can be imposed. By the ad valorem principle, all articles are taxed according to their cost or value, and those which are

of inferior quality, or of small cost, bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate. A system of ad valorem revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted, will afford ample incidental advantages to the manufacturers, and enable them to derive as great profits as can be derived from any other regular business. It is believed that such a system, strictly within the revenue standard, will place the manufacturing interests on a stable footing, and enure to their permanent advantage; while it will, as nearly as may be practicable, extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent, and not be subject to the constant complaints, agitations and changes which must ever occur, when duties are not laid for revenue, but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject, it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

By the constitution of the United States it is provided, that "no money shall be drawn from the treasury but in consequence of appropriations made by law." A public treasury was undoubtedly contemplated and intended to be created, in which the public money should be kept from the period of collection until needed for public uses. In the collection and disbursement of the public money, no agencies have ever been employed by law, except such as were appointed by the government, directly responsible to it, and under its control. The safe keeping of the public money should be confided to a public treasury created by law, and under like responsibility and control. It is not to be imagined that the framers of the constitution could have intended that a treas-

ury should be created as a place of deposit and safe-keeping of the public money which was irresponsible to the government. The first Congress under the constitution, by the act of the second September, 1789, "to establish the Treasury Department," provided for the appointment of a treasurer, and made it his duty "to receive and keep the moneys of the United States," and "at all times to submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the moneys in his hands."

That banks, national or State, could not have been intended to be used as a substitute for the treasury spoken of in the constitution, as keepers of the public money, is manifest from the fact, that at that time there was no national bank, and but three or four State banks of limited capital existed in the country. Their employment as depositories was at first resorted to, to a limited extent, but with no avowed intention of continuing them permanently, in place of the treasury of the constitution. When they were afterwards from time to time employed, it was from motives of supposed convenience.

Our experience has shown, that when banking corporations have been the keepers of the public money, and been thereby made in effect the treasury, the government can have no guaranty that it can command the use of its own money for public purposes. The late Bank of the United States proved to be faithless. The State banks, which were afterwards employed, were faithless. But a few years ago, with millions of public money in their keeping, the government was brought almost to bankruptcy, and the public credit seriously impaired, because of their inability or indisposition to pay, on demand, to the public creditors, in the only currency recognized by the constitution. Their failure occurred in a period of peace, and great inconvenience and loss were suffered by the public from it. Had the country been involved in a foreign war, that inconvenience and loss would have been much greater, and might have resulted in extreme public calamity.

The public money should not be mingled with the private funds of banks or individuals, or be used for private purposes. When it is placed in banks for safe keeping, it is in effect loaned to them without interest, and is loaned by them upon interest to the borrowers from them. The public money is converted into banking capital, and is used and loaned out for the private profit of bank stockholders; and when called for (as was the case in 1837), it may be in the pockets of the borrowers from the banks, instead of being in the public treasury contemplated by the constitution. The framers of the constitution could never have intended that the money paid into the treasury should be thus converted to private use, and placed beyond the control of the government.

Banks which hold the public money are often tempted, by a desire to gain, to extend their loans, increase their circulation, and thus stimulate, if not produce a spirit of speculation and extravagance, which sooner or later must result in ruin to thousands. If the public money be not permitted to be thus used, but be kept in the treasury and paid out to the public creditors in gold and silver, the temptation afforded by its deposite with banks to an undue expansion of their business, would be checked, while the amount of the constitutional currency left in circulation would be enlarged, by its employment in the public collections and disbursements, and the banks themselves would, in consequence, be found in a safer and sounder condition.

At present, State banks are employed as depositories, but without adequate regulation of law, whereby the public money can be secured against the casualties and excesses, revulsions, suspensions, and defalcations, to which, from over-issues over-trading, an inordinate desire for gain, or other causes they are constantly exposed. The Secretary of the Treasury has in all cases, when it was practicable, taken collateral security for the amount which they hold, by the pledge of stocks of the United States, or such of the States as were in

good credit. Some of the deposite banks have given this description of security, and others have declined to do so.

Entertaining the opinion that "the separation of the moneys of the government from banking institutions is indispensable for the safety of the funds of the government and the rights of the people," I recommend to Congress that provision be made by law for such separation, and that a constitutional treasury be created for the safe-keeping of the public money. The constitutional treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation. I cannot doubt that such a treasury as was contemplated by the constitution, should be independent of all banking corporations. The money of the people should be kept in the treasury of the people created by law, and be in the custody of agents of the people chosen by themselves, according to the form of the constitution; agents who are directly responsible to the government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds, and for any failure in other respects to perform their duties. To say that the people of their government are incompetent, or not to be trusted with the custody of their own money, in their own treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations, not appointed by them, nor responsible to them, would be to concede that they are incompetent for self-government.

In recommending the establishment of a constitutional treasury, in which the public money shall be kept, I desire that adequate provision be made by law for its safety, and that all executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursements in pursuance of appropriations made by law.

Under our present land system, limiting the minimum price

at which the public lands can be entered to one dollar and twenty-five cents per acre, large quantities of lands of inferior quality remain unsold, because they will not command that price. From the records of the General Land Office it appears, that, of the public lands remaining unsold in the several states and territories in which they are situated, thirty-nine millions one hundred and five thousand five hundred and seventy-seven acres have been in the market, subject to entry, more than twenty years; forty-nine millions six hundred and thirty-eight thousand six hundred and forty-four acres for more than fifteen years; seventy-three millions seventy-four thousand and six hundred acres for more than ten years; and one hundred and six millions one hundred and seventy-six thousand nine hundred and sixty-one acres for more than five years. Much the largest portion of these lands will continue to be unsaleable at the minimum price at which they are permitted to be sold, so long as large territories of lands from which the more valuable portions have not been selected are annually brought into market by the government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators in limited quantities. If graduated and reduced in price for a limited term to one dollar per acre, and after the expiration of that period, for a second and third term to lower rates, a large portion of these lands would be purchased, and many worthy citizens, who are unable to pay higher rates, could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price, these inferior lands will be sold for their real value, while the states in which they lie will be freed from the inconvenience, if not injustice to which they are subjected, in consequence of the United States continuing to own large quantities of public lands within their borders, not liable to taxation for the support of their local governments.

I recommend the continuance of the policy of granting preëmptions, in its most liberal extent, to all those who have settled, or may hereafter settle, on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. It has been found by experience, that in consequence of combinations of purchasers and other causes, a very small quantity of the public lands, when sold at public auction, commands a higher price than the minimum rate established by law. The settlers on the public lands are, however, but rarely able to secure their homes and improvements at the public sales at that rate; because these combinations, by means of the capital they command, and their superior ability to purchase, render it impossible for the settler to compete with them in the market. By putting down all competition, these combinations of capitalists and speculators are usually enabled to purchase the lands, including the improvements of the settlers, at the minimum price of the government, and either turn them out of their homes, or extort from them, according to their ability to pay, double or quadruple the amount paid for them to the government. It is to the enterprise and perseverance of the hardy pioneers of the west, who penetrate the wilderness with their families, suffer the dangers, the privations and hardships attending the settlement of a new country, and prepare the way for the body of emigrants who, in the course of a few years, usually follow them, that we are, in a great degree, indebted for the rapid extension and aggrandizement of our country.

Experience has proved that no portion of our population are more patriotic than the hardy and brave men of the frontier, or more ready to obey the call of their country, and to defend her rights and her honor, whenever and by whatever enemy assailed. They should be protected from the grasping speculator, and secured, at the minimum price of the public lands, in the humble homes which they have improved

by their labor. With this end in view, all vexatious or unnecessary restrictions imposed upon them by the existing preëmption laws, should be repealed or modified. It is the true policy of the government to afford facilities to its citizens to become the owners of small portions of our vast public domain at low and moderate rates.

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million of acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the government and the lessees. According to the official records, the amount of rents received by the government for the years 1841, 1842, 1843, and 1844, was $6,354.74, while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were twenty-six thousand one hundred and eleven dollars and eleven cents — the income being less than one-fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur, while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connexion. I recommend the re-

peal of the present system, and that these lands be placed under the superintendence and management of the General Land Office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the government an equitable per centage of the gross amount of mineral product, and that the preëmption principle be extended to resident miners and settlers upon them, at the minimum price which may be established by Congress.

I refer you to the accompanying report of the Secretary of War, for information respecting the present situation of the army, and its operations during the past year; the state of our defences; the condition of the public works; and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report, in relation to these prominent objects of national interest.

When orders were given during the past summer for concentrating a military force on the western frontier of Texas, our troops were widely dispersed, and in small detachments, occupying posts remote from each other. The prompt and expeditious manner in which an army, embracing more than half our peace establishment, was drawn together on an emergency so sudden, reflects great credit on the officers who were entrusted with the execution of these orders, as well as upon the discipline of the army itself.

To be in strength to protect and defend the people and territory of Texas, in the event Mexico should commence hostilities, or invade her territories with a large army, which she threatened, I authorized the general assigned to the command of the army of occupation to make requisitions for additional forces from several of the States nearest the Texan territory, and which could most expeditiously furnish them, if, in his opinion, a larger force than that under his command, and the auxiliary aid which, under like circumstances, he was author-

ized to receive from Texas, should be required. The contingency upon which the exercise of this authority depended, has not occurred. The circumstances under which two companies of State artillery from the city of New Orleans were sent into Texas, and mustered into the service of the United States, are fully stated in the report of the Secretary of War. I recommend to Congress that provision be made for the payment of these troops, as well as the small number of Texan volunteers, whom the commanding general thought it necessary to receive or muster into our service.

During the last summer, the first regiment of dragoons made extensive excursions through the Indian country on our borders, a part of them advancing nearly to the possessions of the Hudson's Bay Company in the north, and a part as far as the South Pass of the Rocky Mountains, and the head waters of the tributary streams of the Colorado of the West. The exhibition of this military force among the Indian tribes in those distant regions, and the councils held with them by the commanders of the expeditions, it is believed, will have a salutary influence in restraining them from hostilities among themselves, and maintaining friendly relations between them and the United States. An interesting account of one of these excursions accompanies the report of the Secretary of War. Under the directions of the War Department, Brevet Captain Fremont, of the corps of topographical engineers, has been employed since 1842 in exploring the country west of the Mississippi, and beyond the Rocky Mountains. Two expeditions have already been brought to a close, and the reports of that scientific and enterprising officer have furnished much interesting and valuable information. He is now engaged in a third expedition; but it is not expected that this arduous service will be completed in season to enable me to communicate the result to Congress at the present session.

Our relations with the Indian tribes are of a favorable character. The policy of removing them to a country designed

for their permanent residence west of the Mississippi, and without the limits of the organized States and territories, is better appreciated by them than it was a few years ago; while education is now attended to, and the habits of civilized life are gaining ground among them.

Serious difficulties of long standing continue to distract the several parties into which the Cherokees are unhappily divided. The efforts of the government to adjust the difficulties between them have heretofore proved unsuccessful; and there remains no probability that this desirable object can be accomplished without the aid of further legislation by Congress. I will, at an early period of your session, present the subject for your consideration, accompanied with an exposition of the complaints and claims of the several parties into which the nation is divided, with a view to the adoption of such measures by Congress as may enable the Executive to do justice to them respectively, and to put an end, if possible, to the dissensions which have long prevailed, and still prevail, among them.

I refer you to the report of the Secretary of the Navy for the present condition of that branch of the national defence, and for grave suggestions, having for their object the increase of its efficiency, and a greater economy in its management. During the past year, the officers and men have performed their duty in a satisfactory manner. The orders which have been given, have been executed with promptness and fidelity. A larger force than has often formed one squadron under our flag, was readily concentrated in the Gulf of Mexico, and apparently without unusual effort. It is especially to be observed, that notwithstanding the union of so considerable a force, no act was committed that even the jealousy of an irritated power could construe as an act of aggression; and that the commander of the squadron, and his officers, in strict conformity to their instructions, holding themselves ever ready for the most active duty, have achieved the still purer glory

of contributing to the preservation of peace. It is believed that at all our foreign stations the honor of our flag has been maintained, and that, generally, our ships of war have been distinguished for their good discipline and order. I am happy to add, that the display of maritime force which was required by the events of the summer, has been made wholly within the usual appropriations for the service of the year; so that no additional appropriations are required.

The commerce of the United States, and with it the navigating interest, have steadily and rapidly increased since the organization of our government, until, it is believed, we are now second to but one power in the world, and at no distant day we shall probably be inferior to none. Exposed as they must be, it has been a wise policy to afford to these important interests protection with our ships of war, distributed in the great highways of trade throughout the world. For more than thirty years appropriations have been made, and annually expended, for the gradual increase of our naval forces. In peace, our navy performs the important duty of protecting our commerce; and, in the event of war, will be, as it has been, a most efficient means of defence.

The successful use of steam navigation on the ocean has been followed by the introduction of war-steamers in great and increasing numbers into the navies of the principal maritime powers of the world. A due regard to our own safety and to an efficient protection to our large and increasing commerce demands a corresponding increase on our part. No country has greater facilities for the construction of vessels of this description than ours, or can promise itself greater advantages from their employment. They are admirably adapted to the protection of our commerce, to the rapid transmission of intelligence, and to the coast defence. In pursuance of the wise policy of a gradual increase of our navy, large supplies of live-oak timber, and other materials for ship building, have been collected, and are now under shelter and in a state

of good preservation, while iron steamers can be built with great facility in various parts of the Union.

The use of iron as a material, especially in the construction of steamers, which can enter with safety many of the harbors along our coast now inaccessible to vessels of greater draught, and the practicability of constructing them in the interior, strongly recommends that liberal appropriations should be made for this important object. Whatever may have been our policy in the earlier stages of the government, when the nation was in its infancy, our shipping interests and commerce comparatively small, our resources limited, our population sparse, and scarcely extending beyond the limits of the original thirteen states, that policy must be essentially different now that we have grown from three to more than twenty millions of people,—that our commerce, carried in our own ships, is found in every sea, and that our territorial boundaries and settlements have been so greatly expanded. Neither our commerce, nor our long line of coast on the ocean and on the lakes, can be successfully defended against foreign aggression by means of fortifications alone. These are essential at important commercial and military points, but our chief reliance for this object must be on a well organized, efficient navy. The benefits resulting from such a navy are not confined to the Atlantic states. The productions of the interior which seek a market abroad, are directly dependent on the safety and freedom of our commerce. The occupation of the Balize below New Orleans by a hostile force would embarrass, if not stagnate, the whole export trade of the Mississippi, and affect the valley of the agricultural products of the entire valley of that mighty river and its tributaries.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defence on the land must be mainly on our

citizen soldiers, who will be ever ready, as they ever have been ready in times past, to rush with alacrity, at the call of their country, to her defence. This description of force, however, cannot defend our coasts, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our navy.

Considering an increased naval force, and especially of steam vessels, corresponding with our growth and importance as a nation, and proportioned to the increasing naval force of other nations, of vast importance as regards our safety, and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

The report of the Post Master General herewith communicated, contains a detailed statement of the operations of his department during the past year. It will be seen that the income from postages will fall short of the expenditures for the year between one and two millions of dollars. This deficiency has been caused by the reduction of the rates of postage, which was made by the act of the 3d of March last. No principle has been more generally acquiesced in by the people than that this department should sustain itself by limiting its expenditures to its income. Congress has never sought to make it a source of revenue for general purposes, except for a short period during the last war with Great Britain, nor should it ever become a charge on the general treasury. If Congress shall adhere to this principle, as I think they ought, it will be necessary either to curtail the present mail service, so as to reduce the expenditures, or so to modify the act of the third of March last as to improve its revenues. The extension of the mail service, and the additional facilities which will be demanded by the rapid extension and increase of population on our western frontier, will not admit of such curtailment as will materially reduce the present expenditures. In the adjustment of the tariff of postages, the

interest of the people demand that the lowest rates be adopted which will produce the necessary revenue to meet the expenditures of the department. I invite the attention of Congress to the suggestions of the Post Master General on this subject, under the belief that such a modification of the late law may be made as will yield sufficient revenue without further calls on the treasury, and with very little change in the present rates of postage.

Proper measures have been taken, in pursuance of the act of the third of March last, for the establishment of lines of mail steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

With the growth of our country, the public business which devolves on the heads of the several Executive Departments has greatly increased. In some respects, the distribution of duties among them seems to be incongruous, and many of these might be transferred from one to another with advantage to the public interests. A more auspicious time for the consideration of this subject by Congress, with a view to system in the organization of the several departments, and a more appropriate division of the public business, will not probably occur.

The most important duties of the State Department relate to our foreign affairs. By the great enlargement of the family of nations, the increase of our commerce, and the corresponding extension of our consular system, the business of this department has been greatly increased. In its present organization, many duties of a domestic nature, and consisting of details, are devolved on the Secretary of State, which do not appropriately belong to the foreign department of the government, and may properly be transferred to some other department. One of these grows out of the present state of the law concerning the Patent Office, which, a few years since, was a subordinate clerkship, but has become a distinct bureau

whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels."

From the inaugural address, and the first annual message of President Polk, the reader will be able to form a pretty correct idea of the condition of the country with reference both to its domestic and its foreign relations, and of the views and principles which he laid down, at the outset, for his guidance in administering the government; and I have thought proper to insert these papers here, in order that his position might be defined in his own language,—thus showing more clearly his appreciation and understanding of that position.

It is not within the scope or compass of this work, to present a detailed history of his administration. I propose, in the first place, to consider the more prominent and important events connected with the foreign relations of the American government at this period,—as the Oregon question, and the war with Mexico,—and then to present a succinct account or review of his administration. First in the order of time is the Oregon question.

Prior to the year 1819, there were three claimants to Oregon,—Great Britain, Spain, and the United States. The first at no time claimed the exclusive sovereignty over the territory to which there were so many conflicting titles; but Spain and the United States had each maintained an exclusive right, though the former, probably on account of the protracted war in Europe and her subsequent contests with her revolted colonies in South America, had not supported her pretensions by making

settlements, or by permanently occupying the country. Yet Spain always claimed the sovereignty over the whole northwest coast of America, up to the year 1819, by contiguity, which is the right of one nation to prevent others from occupying contiguous territory, when the command of it is essential to her security or convenience. Aside from this, the Spanish title was founded upon original discoveries, and it must be conceded to have been better fortified in this respect, than either of the other titles. The first navigator who ever ascended as high as the 43° N. latitude, on the northwestern coast of America, was Ferrelo, a pilot in the service of Spain, who reached that parallel in 1543; and in the year 1592, Juan de Fuca, a Greek, also in the Spanish service, discovered and sailed through the strait now bearing his name. For many years the voyage of Fuca was considered fabulous, because repeated efforts were made, without success, to find the straits which he described; but it was afterwards ascertained that his account corresponded with the geographical features of the adjacent country, as settled by the explorations and examinations of subsequent navigators.

For nearly two centuries the northwest coast of America remained unvisited. In 1774, Bucareli, the viceroy of Mexico, commissioned Juan Perez to proceed, in a Spanish corvette called the Santiago, to the sixtieth degree of north latitude, and from that point to make a careful examination of the coast down to Mexico. Perez landed for the first time, on the northwest coast of Queen Charlotte's Island, near latitude 54° N.; he then coasted along the shore of that island, and the great island of

Quadra and Vancouver, and thence along the main land to Monterey, in California. He went on shore several times, and at different places, and held intercourse with the natives. He was the first European navigator that visited Nootka Sound, in 49° 30′ N. latitude; he anchored here on the 9th of August, 1774, and called it the port of San Lorenzo.*

In the following year, Bucareli again fitted out the Santiago, and placed it under the command of Bruno Heceta, with Perez as his ensign; and also a schooner called the Sonora, which was commanded by Juan de la Bodega y Quadra. These officers were commissioned to examine the northwestern coast of America, as high as 65° N. latitude. They landed at various places on the coast, between the 41st and 57th parallels, and on every occasion took possession in the name of their sovereign, according to a prescribed regulation; they observed all the usual formalities, celebrated mass, read declarations asserting the right of Spain, and erected crosses, with suitable inscriptions, some of which were afterwards found by the English navigators. Heceta undoubtedly saw the mouth of the Columbia in 1775, which he called the Entrada de Heceta. From the currents and eddies, he supposed he had discovered the mouth of a large stream, and after his return to Mexico, it was named the Rio de San Roque; but he was inclined to the opinion that it was the opening of the Straits of Fuca. Quadra, in his expedition, obtained the bearings of the whole coast from the 27° to the 58° of north latitude.†

* Humboldt's New Spain, (Black's Translation) vol. ii., p. 316, et seq.
† Humboldt, ibid., ubi supra.

By virtue of these discoveries, Spain laid exclusive claim to the northwestern coast of America, which she never surrendered, either directly or indirectly, until the Convention of the Escurial, commonly called the Nootka Sound Convention, which was concluded in 1790, through the mediation of France. Pending the negotiations which preceded this Convention, the Spanish embassador at Paris, Count Fernan de Nunez, in a communication addressed to M. de Montmorin, the Secretary of the Foreign department of France, on the 16th of June, 1790, insisted that "by the treaties, demarkations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards in those stations, from the reign of Charles II., and authorized by that monarch in 1692," all the coast of Northwestern America, "on the side of the South Sea [Pacific], as far as beyond what is called Prince William's Sound, which is in the 61st degree," belonged exclusively to Spain.

In 1579–80, Sir Francis Drake, in cruising along the western coast of America, for the sole purpose, as avowed by his biographers, of plundering the Spaniards, ascended as high as the 43d or 48th parallel. Fleurieu, in his introduction to Marchand, asserts that Drake sailed as far north as 48°, "yet Hakluyt, who wrote almost at the time that Drake flourished, informs us, that he got no higher than 43, having put back at that point, from the 'extreme cold.'"* England made no use of Drake's discovery, though her ministers were at one time inclined to go back to it to support their title; and in 1845, her

* Rush's Residence at the Court of London, p. 606.

embassador at Washington, Mr. Pakenham, deliberately abandoned all the discoveries of England north of the 42d degree, prior to those of Captain Cook, "as not sufficiently authenticated."*

Captain Cook sailed from England in 1776, to discover, if possible, the northwest passage supposed to connect the Atlantic and Pacific oceans. The Spanish discoveries on the northwestern coast of America had already been made public, and he admits in his journal that he had heard of them. In 1778, he saw Cape Flattery, but he did not know it was the southern extremity of the Straits of Juan de Fuca, and he never landed anywhere on the continent south of Nootka Sound. After leaving Nootka, he did not touch the coast again till he reached 57° N. latitude. Such, and so unimportant, were the discoveries of Cook. Yet they constituted the corner-stone of the English title, and we cannot wonder that a most frail superstructure was reared, on a foundation so unsubstantial.

Another link, still more defective, in the English title, was the discovery of the Straits of Fuca by Captain Berkeley, a British subject, in 1787. But Juan de Fuca had seen them, and sailed through them, nearly two hundred years before; and besides, Captain Berkeley was in the employment of Austria, and sailed under her colors.

After the death of Captain Cook, his vessels sailed for Canton, where the furs which they had procured on the northwest coast of America, were disposed of to great advantage. Attracted by the hope of gain, Lieutenant

* Communication of Mr. Pakenham to Mr. Buchanan, July 29, 1845.

Meares, a British officer, sailed from Macao, with a few companions, in 1788, on a strictly mercantile expedition, and under the Portuguese flag. He attempted to find the Rio de San Roque, or Columbia River, as it was in a few years called; but after considerable examination, he denied the existence of the stream, and named the northern cape of the bay at its mouth, Cape Disappointment. He established himself and his companions at Nootka Sound, and commenced trading with the Indians for furs. When the Viceroy of Mexico heard of his proceedings, he dispatched Martinez, a Spanish officer, with three armed vessels, with orders to drive off the intruders. This was done in May, 1789. Martinez seized Meares' vessels and took his men prisoners; and he also erected a fort at Nootka.

Spain then demanded satisfaction for this intrusion upon her possessions, and England met the demand by a claim for redress for the injury to Meares and his property. After some display of warlike preparations, through the mediation of France, the two governments united in the Convention of the Escurial, or the Nootka Sound Convention, which was concluded on the 28th of October, 1790. By this convention it was stipulated, that the buildings and tracts of land of which Meares had been dispossessed, should be restored; that the respective subjects of England and Spain should not be disturbed in navigating or fishing in the Pacific or in the South Seas, or in landing on the coast of those seas in places not already occupied, for the purpose of commerce with the natives, or of making settlement there; and that in all places on the coast north of 38°, wherever the subjects

of either nation should thereafter make settlements, the subjects of the other were to have free access.*

Viewed in connection with the origin of the difficulty between England and Spain, which was settled by the Nootka Convention, the object of that agreement was obvious. England desired to protect her subjects engaged in the fur trade, and the settlements referred to were certainly nothing more than trading posts or establishments. She made no claim of sovereignty over the territory, nor did Spain on the other hand yield any rights which she had acquired by her prior discoveries.

Immediately after the conclusion of the Nootka Convention, Captain Vancouver was dispatched by the British government, to receive the surrender of the buildings and tracts of land of which Meares and his companions had been dispossessed. A hut was offered to him which he refused to take, and he then left Nootka Sound in the possession of the Spaniards, who remained there till 1795, when they voluntarily abandoned the place. There is no evidence that any lands were ever restored to Meares; Vancouver makes no mention of it in his journal; and the presumption is strong, therefore, against it. One thing is certain, however,—that the British never again reöccupied Nootka Sound, until the Oregon question was finally settled.

Additional instructions were given to Captain Vancouver, to survey the northwest coast of America, under which he subsequently performed the ridiculous farce of taking possession of it in the name of his government. He sailed round Vancouver's Island, to which, by an

* Articles 1, 3, 5.

understanding with the Spanish navigator, the joint name of "Quadra and Vancouver" was given. He took possession, in the first place, of the coast from latitude 39° 20′ N. to the straits of Fuca, and afterward, from the straits to the 59th parallel. This assumption of sovereignty was totally inconsistent with the Nootka Sound Convention; and its absurdity was so manifest, that when Mexico extended her settlements into the territory on the south, and Russia on the north, England uttered not a word of complaint.

While Vancouver was upon the coast, he encountered Captain Robert Gray, an American trader, on the 29th of April, 1792, who informed him that he (Gray) had discovered the mouth of a large river, to which he had given the name of his vessel, the Columbia, but was unable to enter it. Vancouver disbelieved the account he heard, but Gray returned to the river and succeeded in entering it. Subsequent to this, Vancouver obtained copies of Gray's charts, at Nootka Sound, by the aid of which he found the mouth of the Columbia, and sent Lieutenant Broughton to explore it, who went up to the rapids, about one hundred miles, in his cutter.

There is one important fact connected with the discoveries on the northwest coast of America, which shows the weakness of the claims of Great Britain, and the efforts of her navigators to eke out their title by inference and presumption. Wherever they found that a Spanish name had been given to a place, they were extremely careful to substitute an English one, in accordance with the custom, says M. de Mofras, "of British navigators, who never fail to substitute English names for

those previously given by discoverers belonging to other nations."* Thus the name of New Albion was given to California; and thus Cook changed Cape Blanco to Cape Gregory, and the port of San Lorenzo to King George's Sound,—and Vancouver, Cape Diligencias to Cape Oxford, and the Canal of Rosario to the Gulf of Georgia.

But whatever rights England might have acquired in Oregon, under the Nootka Sound Convention, the war between her and Spain, in 1796, terminated that convention, and it was never again revived, as it could not have been without an express agreement entered into between the original parties. By the additional articles to the treaty of Madrid, concluded in August, 1814, it was indeed provided, that, pending the negotiation of a new treaty of commerce, Great Britain should be admitted to trade with Spain upon the same conditions as those which existed previously to 1796,—all preëxisting treaties of commerce being ratified and confirmed. The Nootka Convention, however, was not a commercial one; it was simply a reciprocal agreement not to interfere in trading with the Indians for furs; and it was not therefore revived. Furthermore, the stipulation in the additional articles had reference only to the direct trade with Spain; for that government never conceded the privilege of trading with her colonies, except in a single instance, which was soon abrogated; and this position is conclusively established by the fact, that in this very treaty of 1814, Great Britain procured the insertion of a provision,

* Exploration du Territoire de l'Orégon, des Californies, etc., tom. ii., p. 188.

that if the colonial possessions of Spain were opened to foreign nations, she should be placed on a footing with the most favored countries.

So weak was the title based upon the Nootka Convention, that the British Commissioners in 1818 never even referred to it, or claimed any rights whatsoever under it; yet, in 1826, the negotiators, Messrs. Huskisson and Addington, rested the English claim mainly upon this Convention, which had been terminated by the war of 1796, and never revived.

In addition to the discoveries alleged to have been made by sea, England based her title partly on those made overland. In 1793, Sir Alexander Mackenzie, being then in the employ of the North-west Company, discovered Frazer's river, and descended it for two hundred and fifty miles; he then struck off to the west, and reached the Pacific ocean in latitude 52° 20′. But it must be remembered, that the Nootka Sound Convention was at this time in full force, and that Mackenzie was in the service of a fur company, and looking for favorable points at which to open a trade with the Indians, as English subjects were authorized to do by that Convention. In 1806, Frazer, a partner of the North-west Company, established a trading post on a small lake, called Frazer's lake, near the 54th parallel; but he never approached the branches of the Columbia river, and never saw it till after Astoria was established. Frazer's post was the first permanent establishment ever made by the North-west Company, or by British subjects, west of the Rocky Mountains.* In 1811, a per-

* Harmon's Journal of Voyages and Travels.

son by the name of Thompson, the astronomer of the North-west Company, in an unsuccessful attempt to anticipate Mr. Astor in establishing a post at the mouth of the Columbia, discovered the main northern branch of that stream, and erected some huts on its banks. Mr. Astor subsequently transferred his establishment to the North-west Company; and the latter was afterward united with the Hudson's Bay Company. This last company had two establishments in Oregon—one at Vancouver, on the Columbia river, and the other at Fort Nisqually, on Puget's Sound—when the boundary question was determined.

These discoveries, treaties, and settlements, constituted the basis and support of the English claim to Oregon. Contrasted with the Spanish discoveries, those made by the navigators of Great Britain appear paltry and inconsiderable in the extreme; and in regard to the priority of the former, there cannot be a doubt. But one treaty ever existed, under which England could have derived any title; this was the Nootka Sound Convention, which, after the war of 1796, had no force or effect. The only establishments or settlements made by British subjects, were so made, either under the Nootka Sound Convention, or by the North-west and Hudson's Bay Companies. The settlements made by those companies were never considered as national possessions. On the contrary, the Hudson's Bay Company, which succeeded to the rights of both, was not authorized by the act of parliament under which its charter was granted,* nor by the charter itself, to make permanent settlements of a national character,

* 1 and 2 George IV., cap. 66.

to grant lands or to hold them; but only to enjoy the right of trading with the Indians, to the exclusion of other British subjects.* If, therefore, Spain failed to support her rights acquired by prior discovery, by occupancy within a reasonable time, England, on the other hand, did not secure "the real possession" soon after discovery, necessary to have her sovereignty acknowledged by the law of nations.†

The American title was based on discovery, treaty, settlement, and continuity. For several years prior to 1792, Robert Gray, of Boston, the captain of a merchant vessel sailing under the American flag, was employed in trading with the Indians on the northwest coast of America. He landed and made discoveries and explorations at various points. In June, 1789, he explored the whole eastern coast of Queen Charlotte's Island. In the autumn of that year, Capt. John Kendrick, also an American, sailed through the Straits of Fuca. Early in 1791, Gray returned to the northern Pacific in the ship Columbia, and in the course of the ensuing summer, he examined many inlets and passages between 54° and 56° north latitude. In April, 1792, he satisfied himself of the existence of the great river to which he gave the name of his vessel. After his interview with Vancouver, he discovered Bullfinch's harbor, on the 7th of May, 1792; and on the 11th instant, he again saw the mighty Columbia rolling its broad flood of waters into the Pacific.

He succeeded in entering the mouth of the river, and was the first white navigator that ever crossed the bar.

* Hudson's Bay Company Charters—House of Commons, No. 547, 1842.
† Vattel, Book i., cap. 18.

This he accomplished in safety, with the American flag flying at the mast-head of his vessel. He then sailed up the channel a distance of twenty-five miles, and remained in the stream nine days engaged in trading with the Indians. Capt. Gray, it is true, did not command a national vessel, but he carried the national flag; and if his discoveries amounted to nothing more, they prevented other nations from acquiring any rights by subsequent discoveries. But an American merchantman, sailing under her proper flag, is regarded as a part and parcel of our soil; an outrage committed on her, in whatsoever clime, is an outrage on the nation; if she violates a treaty or convention with other countries, she is amenable to our laws; and if she makes discoveries, why should they not enure to the benefit of the country that affords her protection, and to which she owes allegiance?

Upon the discoveries made by Gray, the American government founded their claim to Oregon; and they insisted, more particularly, on their title to the territory drained by the Columbia, the existence of which he was the first positively to establish. This territory extends from about the 42° to the 53° N. latitude. The right to a country thus drained by a river, on the discovery of its mouth, had been previously claimed by England and France, on various occasions.*

In 1803, the American claim was strengthened by the purchase of Louisiana from France. The boundaries of this purchase, so far as Spain was concerned, were some-

* Charters of Elizabeth to Sir Humphrey Gilbert in 1578, and to Sir Walter Raleigh in 1584; of James I. to Sir Thomas Gates, in 1606 and 1607; Georgia Charter, 1732; and charter of Louis XIV. to Crozat, 1712.

what indefinite; but by the treaty of 1763, between England and France, under which the former now holds her Canadian possessions, it was agreed that for the future, the confines between the British and French dominions in that part of the world, should "be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea." By this treaty, Great Britain surrendered all claim and title to the territory lying between the Mississippi and the Pacific, and south of its source, or the 49th parallel; and when the United States acquired the rights of France, in 1803, they had a complete title by continuity, if not otherwise, as against any country except Spain, to that territory,—that is, as against England, they had a right to extend themselves to the Pacific ocean. This title by continuity was no mere assumption. It has repeatedly been asserted on the discovery of new countries; at the time of the colonization of North America, it was insisted that a settlement on the Atlantic coast gave a claim across the continent; and the enlarged charter of the first colony of Virginia granted the territory from sea to sea.

Overland discoveries were also made by the American government. In 1804–5, Lewis and Clarke, under the orders of President Jefferson, explored the Columbia river from its sources to its mouth,—thus strengthening the claim derived from the discovery of the river by Gray, and confirming the title by continuity. Previous to 1810, Mr. Henry, an agent of the Missouri Fur Company, established a trading post on the bank of Lewis river,

but was compelled to abandon it, on account of the hostility of the Indians, and the want of provisions. In the month of March, 1811, Astoria was founded near the mouth of the Columbia, by John Jacob Astor, of New York, who built a small fort there for the protection of the settlement. Other trading posts for procuring furs were shortly after established along the banks of the river, for six hundred and fifty miles above its mouth. Fearing for the safety of the property of the American Fur Company, on account of the war with Great Britain, and the encroachments of the North-west Company, Mr. Astor transferred it to the latter, by sale, on the 16th of October, 1813. This transfer embraced private property only, and conveyed no title to land or jurisdiction. The American flag was kept flying on the fort till the 1st of December, 1813, when the place surrendered to a British sloop-of-war. The British standard was then hoisted; and this was the first act of occupancy, by authority, on the part of Great Britain. The post, called by the British Fort George, was restored to the United States under the treaty of Ghent, when the English flag was struck, and the stars and stripes once more unfurled in its stead. This certainly was an exercise of sovereignty on the part of the American government, and an acknowledgment of it by England, although it was afterward claimed by the latter, that she had only given up the possession, but had reserved the question of title.

Astoria was subsequently abandoned by the Americans; but a number of missionary and other settlements were made in Oregon at a later day, by American citizens, and under the auspices, and with the consent, of

their government; and in the year 1845, there were from one thousand to fifteen hundred of that class of inhabitants residing in the territory; while of British subjects there were less than five hundred.

Previous to this time, the American claim had been completed by the acquisition of all the rights of Spain above the 42d parallel, which were conveyed to the United States by the Florida treaty, in 1819. Thus had the latter inherited all the claims of France and Spain, and superadded them to her own. Conflicting as these different titles may appear, in some respects, a third party, like England, had no right to complain. If the American title, previous to 1819, was not good against the prior discoveries of Spain and her claim by contiguity, this gave England no right to dispute the titles when united.*

While other nations were laying the foundation for future claims to sovereignty on the northwest coast of America, Russian navigators and traders had also made discoveries and settlements in northern Oregon. Collisions being likely to occur with Russia, an effort was made to conclude a joint convention with England and the United States. The effort failed, and each government treated separately. In 1824, the United States stipulated with Russia, that the latter should confine her

* For the history of the Oregon question and negotiations, see Greenhow's History of Oregon and California, and Memoir on the Northwest Coast of North America; Falconer on the Discovery of the Mississippi and on the Southwestern, Oregon, and Northern Boundary of the United States; Dunn's History of the Oregon Territory; Rush's Residence at the Court of London; Doc. 199—1st session 20th Congress; and Documents accompanying the President's annual message, December, 1845.

settlements to the north of 54° 40′, and in 1825 England and Russia established the same boundary line between their dominions.

Various unsuccessful efforts were made by England and the United States, subsequent to the war of 1812, to determine their respective rights in the Oregon territory. In 1818, the American government proposed to divide the country by the 49th parallel, and England asked the Columbia river as the boundary west of the point at which the 49th parallel intersected that stream. As neither party was inclined to yield, a convention was entered into on the 20th of October, 1818, by which it was agreed that the whole country should "be free and open for the term of ten years" from the date thereof, "to the vessels, citizens, and subjects, of the two powers," without prejudice to the claim of either of the contracting parties.* In 1824, similar propositions for a settlement of the question by the partition of the territory were made, but again rejected.

In 1826, Mr. Gallatin, the American minister at the Court of St. James, proposed a modification of the offer made in 1818, and repeated in 1824,—that the 49th parallel should be adopted as the boundary, subject to deviations according to the accidents of the country, and if that line crossed any navigable tributaries of the Columbia, then the navigation of such tributaries, and of the main river, should be open to British subjects. Messrs. Huskisson and Addington, the English negotiators, adhered to the Columbia as the general boundary, but offered to the United States a detached peninsula,

* Article 3rd.

bounded on the south by a line to be drawn from Hood's inlet, or canal, to Bullfinch's harbor, on the east by the inlet, on the north by the Straits of Fuca, and on the west by the Pacific ocean,—thus giving up the southern coast of the straits and several of the best harbors within them; and they proposed further, that a strip of land, along the northern bank of the Columbia, should remain neutral. Mr. Gallatin refused to make any greater concession than he had offered, and the negotiation terminated for the time in the convention of August 6th, 1827, by which the third article of the convention of 1818 was indefinitely extended, and continued in force, subject to the proviso, that either government might annul and abrogate the convention, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party.*

During these negotiations, and up to the final arrangement, the British government, through her ministers and representatives, never claimed the exclusive sovereignty, but denied that it belonged to the United States, and insisted only on her right of joint occupancy and settlement, predicating it, after the attempt to negotiate in 1818, on the Nootka Sound Convention.

At the time of the negotiation of the treaty of Washington, in 1842, the Oregon question was not considered or brought forward by Lord Ashburton, the representative of Great Britain, lest it might impede the settlement of the northeastern boundary.† Meanwhile Oregon was being rapidly populated by American citizens, many of

* Doc. 199—1st session, 20th Congress.

† Dispatch of Lord Aberdeen to Mr. Fox, October 18, 1842.

them the friends and relatives of the inhabitants of the western states. In that section of the Union, therefore, loud and frequent complaints were heard at the neglect of the American negotiator, Mr. Webster, to insist upon the settlement of both questions; while at the north it was said, that he had been outwitted by Lord Ashburton, and had unnecessarily sacrificed a portion of the territory of Maine. The democratic party generally advocated giving the notice to Great Britain provided for by the Convention of 1827. In the 28th Congress efforts were made to procure the passage of a resolution requiring the notice to be given, but they failed of success.

The Baltimore Convention, as has been seen, resolved that the American title to the whole of Oregon was "clear and unquestionable," and that its reöccupation was a measure eminently worthy of support. Mr. Polk was pledged to maintain this resolution; but only so far as comported with the general sentiment of the nation, and as was required by a due regard for the preservation of the national honor and dignity. His individual opinions accorded with the resolution. In a speech delivered in the House of Representatives on the 29th of December, 1828, he defended the American claim to 54° 40′; and in his letter accepting the Baltimore nomination, in his inaugural address, and in his first annual message, he asserted, in unequivocal terms, his firm conviction, that the title to Oregon was indisputable. In his opinion, Great Britain was precluded, by the treaty of 1763, from asserting a claim to any territory west of the Mississippi and south of the 49th parallel, if any she had previously had; and by the Spanish and American

discoveries, and the treaty of 1819, the American government had acquired a perfect and absolute right of sovereignty over the whole territory as limited on the north by the convention with Russia.

But when he assumed the administration of the government, he found that his predecessor, in deference to the expressions of the popular will, had opened a negotiation with the British government for the adjustment of the Oregon question. This negotiation was commenced and conducted, as appears by the first protocol, dated on the 23d of August, 1844, "with a view to establish a permanent boundary between the two countries, westward of the Rocky Mountains, to the Pacific ocean."* The negotiation thus opened by Mr. Calhoun, Secretary of State under Mr. Tyler, was continued on the part of the American government by Mr. Buchanan. Had the question been a new one, Mr. Polk would have promptly insisted on the American title to the whole of Oregon, but as those who had preceded him in the executive chair had repeatedly offered to compromise, and as the avowed object of this negotiation was to fix upon a boundary, he instructed Mr. Buchanan to propose that the Oregon territory should be divided between the two governments by the 49th parallel, offering at the same time to make free to Great Britain any port or ports on Vancouver's Island south of that parallel which she might desire. This was the ultimatum of the American government, and it was not intended to vary from it, except that slight deviations required by the geographical character of the country might be made.

* Documents accompanying the President's Annual Message, Dec., 1845.

Mr. Buchanan communicated the proposition directed to be made by the President, to Mr. Pakenham, the British negotiator, on the 12th of July, 1845. Without consulting his government, the latter rejected the proposition on the 29th instant, and offered to submit the question to arbitration. On the 30th of August, Mr. Buchanan replied to Mr. Pakenham, in a masterly communication, conclusively establishing the American title to the territory, declining to arbitrate a question so clear, withdrawing the offer to compromise, and insisting on the claim to the parallel of 54° 40′.*

Congress now assembled, and the President laid the Oregon correspondence before that body in connection with his annual message, with the recommendation that a resolution should be passed giving notice of the termination of the joint occupation of the territory, at the expiration of one year, in accordance with the convention of 1827. Resolutions were accordingly passed in both Houses directing the notice to be given,—in the House, by a vote of 163 to 54, the venerable John Quincy Adams heading the list of the majority; and in the Senate, by a vote of 38 to 14. The House resolution directed the President to cause the notice to be given, but that of the Senate merely authorized him to give the notice, at his discretion. A disagreement thus existing, committees of conference were appointed, and the resolution of the Senate, substantially, was finally adopted. The President promptly caused the notice to be given.

From this time the question assumed a more serious aspect, and it appeared highly probable that a collision

* Documents accompanying the President's Annual Message, Dec., 1845.

would take place between the two governments. The British ministry, however, were assured by the tone and temper of the debates in Congress, and by advices from private individuals, that the American people would present a united front, if war should come, in defence of their claim to Oregon; and that, if they desired to compromise the question, further propositions must come from them, and must be made without delay. Influenced by these considerations, on the 18th of May, 1846, Lord Aberdeen, the British Secretary for Foreign Affairs, instructed Mr. Pakenham to propose, that the northern boundary line should be continued westward from the Rocky Mountains, along the 49th parallel to the channel separating the continent from Vancouver's Island, and then through the middle of the channel, and of the straits of Fuca, to the Pacific ocean; with the proviso that the navigation of the channel and straits, south of the 49th parallel, should remain free and open to both parties; and with the further stipulation, that the main northern branch of the Columbia, and the main river itself, should be free and open to the Hudson's Bay Company, and to all British subjects trading with them. This proposition was duly submitted to the American government on the 6th of June following.

So thoroughly convinced was Mr. Polk, that the American title to the whole of Oregon was "clear and unquestionable," that if he alone had been responsible, he would have instantly declined to surrender any portion of the territory. But by former negotiations the government appeared to be committed to an equitable division, and a decided majority of Congress were avowedly favorable to a compromise. There was, too, a new considera-

tion connected with the question,—one of policy and expediency, motives which always have, and which always should, with some limitations, control the action of nations and individuals.—Upper Oregon and the island of Vancouver were comparatively valueless, except for the excellent harbors within the straits of Fuca, which were the only safe and easily accessible ones in the whole territory. Those on the southern shore of the straits were, indeed, to belong to the United States under the British proposition; but war now existed with Mexico, and as that country was largely indebted to American citizens, and was confessedly bankrupt, Mr. Polk, as a wise and sagacious statesman, could not but have foreseen that the contest would terminate in the acquisition, as a satisfaction for the American claims and the expenses of the war, of a large portion of contiguous territory, in which was embraced the bay of San Francisco, the finest harbor on the Pacific coast.

Acting therefore in conformity to the example of Washington with respect to the Jay treaty, Mr. Polk submitted the proposition of Great Britain to the Senate, as being composed of his constitutional advisers in the conclusion of treaties with foreign powers. He stated, at the same time, that his individual opinion was in favor of supporting the American claim to the whole of Oregon; and that if the Senate did not advise the acceptance of the proposition, by the constitutional majority required for the ratification of treaties, he should consider it his duty to reject the offer.*

The Senate by a vote of 41 to 14, advised the accept-

* Special Message and Accompanying Documents, June 10, 1846.

ance of the terms proposed by the British government, on the 12th of June, 1846, with the understanding, as officially stated by Mr. Buchanan to Mr. Pakenham, prior to the conclusion of the treaty, that the right of the Hudson's Bay Company to navigate the Columbia would expire with their license to trade on the northwest coast of America, on the 30th of May, 1859.* The treaty prepared in accordance with the proposition of Mr. Pakenham, was then signed by him and Mr. Buchanan on the 15th day of June, and duly ratified.

Thus, by the firm determination of Mr. Polk, was this vexed question, which at one time threatened to interrupt the friendly relations subsisting between two nations united by the sympathies of a common origin and a common tongue, forever settled in a spirit of amity and concord; each party magnanimously surrendering a part of its pretensions,—the United States yielding the southern cape of Vancouver, and the territory above the 49th parallel, which she had repeatedly proposed to adopt as the boundary, and Great Britain giving up her claim to the jurisdiction and unoccupied territory between the 49th parallel and the Columbia river.

* Dispatch of Mr. Buchanan to Mr. McLane, June 13, 1846.

CHAPTER IX.

Opposition of Mexico to the Annexation of Texas—The Question of Boundary—American troops ordered to Texas—Attempt to Negotiate—Refusal to receive a Minister—Advance of General Taylor to the Rio Grande—Commencement of Hostilities—Incidents of the war—Repeated efforts to open negotiations—The Armistice—Treaty of Peace.

THE "joint resolution providing for the annexation of Texas to the United States," embraced two propositions,—the one providing for the immediate annexation, and the other, of an alternative character, contemplating a new negotiation with the republic of Texas, if the President deemed it the most advisable.

RESOLUTION OF ANNEXATION.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

"2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State to be formed subject to the adjustment by this government of all questions

of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.

"3. *And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem

it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic, then —

"*Be it Resolved*, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the governments of Texas and the United States.

"*And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is, hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct."

President Tyler elected to submit the first and second sections of the Resolution of Annexation to the authorities of Texas, which election was approved by his successor, and the annexation was completed in conformity thereto. The administration of Mr. Polk, therefore, succeeded to all the liabilities and advantages incurred or secured by the accomplishment of this great measure.

The central authorities of Mexico, though possessing no right to complain, by reason of the justifiable resistance of Texas when the federal league of 1824 was violently ruptured, and of their inaction for so long a period, did not remain silent while the negotiations for the annexation of Texas were in progress, or the act itself be-

ing consummated. On the 23d day of August, 1843, Mr. de Bocanegra, the Mexican Minister of foreign relations, addressed a note to Mr. Thompson, the American Minister in Mexico, calling his attention officially to the agitation of the question in the United States, and announcing that the Mexican government would consider equivalent to a declaration of war against the Mexican Republic, the passage of an act for the incorporation of Texas with the territory of the United States; the certainty of the fact being sufficient for the immediate proclamation of war; leaving to the civilized world to determine with regard to the justice of the cause of the Mexican nation, in a struggle which it [had] been so far from provoking. The tone of a portion of the note of Mr. de Bocanegra was so harsh and dictatorial, that it elicited a sharp reproof from Mr. Thompson. A second note was written by the former, in September, which was more subdued in its character, and assured the American Envoy that Mexico did not threaten, still less provoke or excite; but that she would "regard the annexation of Texas to the United States as a hostile act."*

In November of the same year, a similar correspondence took place, at Washington, between General Almonte, the Mexican Minister, and Mr. Upshur, the American Secretary of State; the former protesting, in an official note written on the 3d instant, in the name of his government, against the annexation, and declaring that on sanction being given by the American Executive to the incorporation of Texas into the United States, he

* House of Representatives, Exec. Doc., 2—1st Session 28th Congress, p. 26, et seq.

should consider his mission ended, and that the Mexican government was resolved to declare war so soon as it received information of such an act.* Two decrees were about the same time issued by the Mexican government,— one of them excluding foreigners from the retail trade in Mexico, and the other closing the custom-houses in the northern departments.† The object of these decrees — if not avowed, at least not concealed — was to compel the American shopmen to leave the capital, and to cut off the valuable western trade with New Mexco and Chihuahua. Mr. Thompson remonstrated against these decrees, but the Mexican authorities positively refused to repeal them.

The treaty of annexation concluded by Mr. Calhoun was signed on the 12th day of April, 1844. Immediately upon the conclusion of the treaty, Mr. Green, the American *Chargé d'Affaires* in Mexico, by the direction of the Secretary of State, assured the Mexican government, that it was the desire of the President of the United States to settle all questions between the two countries, that might grow out of the treaty, "or any other cause, on the most liberal and satisfactory terms, including that of boundary;" and that the boundary of Texas had been purposely left without specification in the treaty, so that it might be "an open question, to be fairly and fully discussed and settled, according to the rights of each, and the mutual interest and security of the two countries.‡

* Senate Doc. 341, 1st Session.

† House of Representatives, Exec. Doc. 2 — 1st session 28th Congress, p. 31, et seq.

‡ Senate Doc. 341—1st session 28th Congress, p. 53.

Mr. Thompson having returned home, a new Envoy was subsequently sent to Mexico, with full and adequate powers to enter upon the negotiation. He, also, was instructed by Mr. Calhoun, on the 10th of September, 1844, "to renew the declaration made to the Mexican Secretary by our *chargé d'affaires*, in announcing the conclusion of the treaty, that the measure was adopted in no spirit of hostility to Mexico, and that, if annexation should be consummated, the United States [would] be prepared to adjust all questions growing out of it, including that of boundary, on the most liberal terms."*

When it became known in Mexico that the treaty had been signed, Mr. de Bocanegra addressed a circular letter to the foreign ministers resident in Mexico, dated the 31st of May, 1844, in which he pronounced the treaty of annexation, absolutely, "a declaration of war between the two nations." In reply to the assurances of Mr. Green, the Mexican minister repeated his declaration that Mexico would consider the ratification of the treaty as a positive act of war.† The authorities of Mexico were doubtless emboldened to assume this warlike and offensive tone, by the powerful opposition offered to the annexation of Texas in the United States, and they claimed great merit among their people for their bold resistance of what they termed the aggressions of the American government.

Santa Anna, the President of Mexico, took the same ground with Mr. de Bocanegra, in a public announce-

* House of Representatives, Exec. Doc.—2d session 28th Congress—p. 21, et seq.

† Ibid., p. 52, et seq.

ment made on the 12th of June, 1844, and declared it to be the firm determination of Mexico to re-conquer Texas. This announcement was followed by a requisition for thirty thousand men, and four millions of dollars, to carry on the war, which, it was threatened, would be one of extermination. Generals Canalizo and Woll were ordered to the north with an armed force, but accomplished nothing in the way of subjugation. When the annexation resolutions were passed, General Almonte protested against them in his official capacity as the accredited minister of his government, on the 6th of March, 1845, and demanded his passports. These were delivered to him by Mr. Buchanan, who assured him that the government of the United States was favorably disposed toward Mexico, and was desirous of treating with it in an amicable and friendly spirit, for the adjustment and final settlement of all questions in difference between the two countries, including the boundary of Texas. These pacific overtures were not regarded, and on the 2d day of April the American Minister in Mexico was refused all intercourse with that government, upon the ground, as stated by the Mexican minister of foreign relations, that the government of Mexico could "not continue diplomatic relations with the United States, upon the presumption that such relations [were] reconcilable with the law" of annexation. President Herrera, the successor of Santa Anna, also issued a proclamation, on the 4th of June, 1845, declaring that the annexation in nowise destroyed the rights of Mexico, and that she would maintain them by force of arms. Two decrees of the Mexican Congress were affixed to this proclamation, providing for calling

out all the armed forces of the nation; and on the 12th day of July orders were given to the army of the north, then cantoned at San Luis Potosi, to prepare to take the field. Similar orders were issued by General Arista, the commanding officer on the northern frontier, on the 12th day of September, 1845.

Mexico, however, was without the means to sustain any considerable body of troops in active service. Torn and distracted by intestine divisions,—her statesmen and politicians directing their whole energies to the advancement of private or factious interests,—she presented a continued scene of turbulence, the waves of popular anarchy sometimes rolling with the fury and madness of the tempest, but never, like the after-tossing of the ocean, subsiding to the happy calm in unison with her republican institutions.

There were other causes calculated to heighten the imbittered feelings cherished by Mexico. The American people had gladly aided her in achieving her independence, and she was angry that she had received favors which had been repaid with ingratitude and insults. During the protracted warfare, too, between Spain and Mexico, and the internal commotions which had disturbed the tranquillity of the latter, vessels sailing under the American flag were plundered, and the property of American merchants confiscated, by Mexican authorities. The government of the United States remonstrated against these wanton and illegal seizures and confiscations. Mexico was liberal of her promises of redress, but she postponed or evaded their fulfilment. Negotiations were opened, but they were characterized on her part by bad

faith, prevarication, and delay. She entered into treaties without intending to regard them, and therefore violated them without compunction.

At length, commissioners were appointed by the two governments respectively, for the adjustment of the claims of American citizens. They met in 1840, and had admitted claims to the amount of over two millions of dollars, in the month of February, 1842, when the commission expired,—leaving claims to the amount of about four millions of dollars undecided. The sum acknowledged and awarded to the American claimants, was admitted to be due by Mexico, and at her request, and for her accommodation, the payment thereof was postponed, and divided into twenty instalments, three of which, with the interest due on the 30th of April, 1839, were paid, but the remaining instalments, commencing with that payable in April, 1844, were still due by Mexico when she suspended diplomatic intercourse with the United States. Similar acts of perfidy on the part of the Mexican government, had provoked a merited chastisement from France, in 1839; but the United States, in a spirit of magnanimity, of long-suffering and forbearance, rarely witnessed among nations, continued to hope that better counsels would prevail in Mexico, and prompt her rulers to the performance of their duty. Had the circumstances attending the annexation of Texas, then, been far more aggravated than was alleged by Mexico, reproaches would have ill become her, and complaints appeared like adding insult to injury.

But, though the threats of Mexico were as empty as her promises and professions were hollow, and though her

valiant proclamations and decrees were entirely unproductive of results, she did not recede from her position, that the annexation of Texas was tantamount to a declaration of war. To that she was committed by every act of her executive authorities which could give it force or solemnity. They had deliberately placed themselves upon record, and published to the world the ground they had taken.

Diplomatic intercourse being suspended, and a state of war declared to exist, no alternative was left to the United States but that of extending their authority over Texas, without further reference to Mexico. In doing this, it was evident that a question might arise as to how far the western and southwestern boundary of the newly acquired territory extended. Had not the authorities of Mexico flattered themselves into the belief, that the insolence and bravado which they had so long displayed with impunity toward the American Republic, would continue to be unresented, this question might, and would have been, amicably settled; for by the resolution of Congress, no territory was annexed except that rightfully belonging to Texas, and all questions of boundary that might arise with other governments were left subject to adjustment by the federal government of the United States. But by the act of Mexico, her diplomatic relations with us were interrupted, and no other course was left to our government, but that of deciding the question of boundary for themselves, and acting upon that decision until Mexico was disposed to negotiate. Had any other course been adopted,—had the government of the United States cowered before the loud-sounding proclamations fulminated

by the Mexican Executive,—her representatives would have been scorned at every court in the civilized world. True, actual war, instead of that nominally existing as Mexico declared, was likely to ensue; but war is always to be preferred to a dishonorable peace; and a war in support and vindication of national honor, wherever the arms of the injured country may be carried, is a war of defence.

Previous to her secession from the Mexican confederacy, the political limits of Texas "were the Nueces river on the west; along the Red river on the north; the Sabine on the east; and the Gulf of Mexico on the south."* But it is unnecessary to inquire what were the boundaries of Texas, prior to that event, because it is a familiar principle of national law, that boundaries are always obliterated by a revolution, as they are by a war between two contiguous countries. Just so far as Texas extended her power and authority during the revolutionary struggle, her title was good against every other government except Mexico; and against the latter also, if the secession, as has been contended, was justifiable, and if the extension of authority consisted of positive acts, or was acknowledged by Mexico. In determining the question of boundary, therefore, the government of the United States had only to ascertain how far, if at all, Texas had extended her limits by conquest or occupation, or by the assent, express or implied, of the constituted authorities of Mexico.

At an early period of her contest with the central gov-

* Letter of H. M. Morfit, House of Representatives, Doc. 35, 2d Session 24th Congress.

ernment of Mexico, Texas "made her mark," as was said by one of her Senators in the American Congress,* and asserted her claim to the whole territory lying on the left bank of the Rio Grande, or Rio Bravo del Norte. The advantages offered by that "grand and solitary river" as a great natural military barrier or obstacle, were so apparent to the Texan officers, that at the capitulation of General Cos, in December, 1835, it was stipulated in the articles of surrender, signed by the commissioners appointed by Generals Burleson and Cos, and approved by them, that the latter should retire beyond the Rio Grande, and provisions were furnished to the Mexican army to sustain them till they reached that river, as if it were the proper frontier of their own country.†

In April, 1836, the last decisive encounter took place at San Jacinto. The Mexican army was almost annihilated, and their commander Santa Anna, with eight hundred of his troops, were made prisoners. The whole invading army was then in the power of the Texans; and in order to save them from destruction and to regain his own liberty, Santa Anna, in his character as President of the Mexican Republic and clothed with the supreme power, entered into an agreement and solemn compact with President Burnet, of Texas, and his cabinet, by which the independence of Texas was acknowledged; and it was also stipulated therein, that the Mexican troops should evacuate the territory of Texas and retire beyond the Rio Grande, and that river, from its mouth

* Hon. T. J. Rusk.

† Articles of Capitulation signed at San Antonio de Bexar, December 11, 1835.

to the 42d degree of north latitude, should forever be the line of demarcation between the two countries.* A copy of this agreement was forwarded to General Filisola, then at the head of about five thousand troops, the remains of the shattered army of invasion. He was from forty to fifty miles distant, but completely at the mercy of the Texan forces, now flushed with conquest and confident in their ability to achieve other victories. The compact was therefore approved by General Filisola, and its propriety and validity ever defended by him.† He was now permitted to retire beyond the Rio Grande without molestation, and thus saved his army from destruction.

This agreement was likewise approved by other Mexican general officers, and by the secretary of war, though not ratified by their Congress. It was said, that Santa Anna was a prisoner of war when the treaty or convention was concluded, and that no agreement entered into by him under duress, was obligatory upon his government. But Mexico had profited by the act, in the rescue of her army from disaster and disgrace; she had reaped the benefit of the compact, and good faith required that she should ratify it.

Texas, however, decided firmly to adhere to the Rio Grande as the boundary, and on the 19th of December, 1836, an act was passed by her Congress, establishing that river, from its mouth up its principal stream to its source, as such boundary. From the source of the river, the line on the north and east was declared to be "as

* Articles 1, 4, 5. † See Defence of General Filisola, June 10, 1836.

defined between the United States and Spain."* In compliance with a call of the Senate, pending the discussion on the treaty of 1844, President Tyler sent in a map of the country proposed to be ceded, upon which the boundaries, as above described, were marked in red lines. The act of the Texan Congress was unrepealed, at the time of her final admission by a law of the United States, passed the 29th day of December, 1845; the new constitution adopted, impaired its validity in no respect, as it expressly provided for continuing all prior enactments in full force; and on the 31st day of December, two days after she was admitted as a state, the Congress of the United States passed a law establishing "a collection district in the State of Texas," and Corpus Christi, west of the Nueces, was made a port of delivery, for which a surveyor was afterwards appointed. Thus the boundaries claimed by Texas were approved and adopted by the government of the United States.

The claim of Texas to that portion of New Mexico lying east of the Rio Grande was somewhat doubtful, except the treaty with Santa Anna be considered valid. She had exercised no acts of sovereignty there, and the only expedition sent to assert her authority was unsuccessful. She did not reduce the territory to her possession and occupancy, but she at all times asserted a right, which, said Mr. Polk, "is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a state, and under the constitution and laws

* This act followed very nearly the language of the treaty with Santa Anna, and the boundaries corresponded precisely with those fixed in that compact.

of Texas, to be well founded;"* and when the claim of Mexico was extinguished by the treaty of Guadalupe Hidalgo, the previous inchoate right of Texas became perfect and complete.

To the country between the Nueces and the lower Rio Grande, the claim of Texas, and subsequently of the United States, was as good as to any portion of the territory between the Nueces and the Sabine; and its occupancy by the American troops, as distinguished from the other part of Texas, was never complained of by the Mexican government, nor do they appear to have been aware how deeply they were wronged in this respect, until the question was raised in the United States by the political opponents of Mr. Polk.

The intention to insist upon the Rio Grande as the western boundary of Texas was clearly intimated in the articles of capitulation approved by General Cos, and asserted in the treaty with Santa Anna, which, if possessing no greater force, operated as a notice to Mexico of the extent to which Texas was determined to claim. After it became known that Mexico would not ratify the convention concluded with Santa Anna and approved by the other Mexican officers, and that Urrea was preparing to invade Texas, General Rusk, then at the head of the Texan army, ordered General Felix Huston to take position, with a detachment, at Corpus Christi; and the latter sent his scouting parties to the Rio Grande. At that time there were no permanent settlements on the left bank of the river, with the exception of a few *ranchos* opposite Mier, Camargo, Reinosa, and Matamoras, the

* Special Message of President Polk, July 24, 1848.

occupants of which had been engaged in herding and smuggling, but took refuge on the west side of the Rio Grande, upon the approach of Huston's troops. The great majority of the inhabitants retired to the rear of Rusk's army, in compliance with his orders. Urrea crossed the river but once, and soon returned. Although he had 10,000 men at Matamoras, General Huston held in subjection the whole country to the Rio Grande, and his advanced corps traversed it at pleasure.

In December, 1836, when the law prescribing the boundaries of Texas was passed, she was in possession of the disputed territory, and her civil and political jurisdiction was extended over it. Custom-houses, post-offices and post-roads, and election precincts, were established west of the Nueces. The county of San Patricio was laid out reaching to the Rio Grande. The public lands between the two rivers were surveyed and sold, and all the evidences of grants and transfers of land, subsequent to the revolution of 1834, were entered among the records of Texas. Persons holding colony contracts made by the department of Tamaulipas, which was bounded on the east by the Nueces, prior to the revolution, voted at Corpus Christi, under the laws of Texas. The place of voting was near the Nueces, more than one hundred and fifty miles from the Rio Grande; but in the western and southwestern states of the American Union, county towns have frequently been situated over one hundred miles distant from the remotest limits of the county.

Members of the Texan Congress were elected, who resided on the right bank of the Nueces, several years pre-

vious to the annexation; and that part of Texas was represented, too, in the Congress and in the Convention by which the resolution of annexation was accepted. The collectoral district of Aransas was established by the first Congress of Texas, and extended from the mouth of the San Antonio to the Rio Grande. Boats were repeatedly sent out by the collector to watch the coast, and reconnoitre the Laguna Madre and the Brazos. In the fall of 1838, when their ports were blockaded by the French fleet, the Mexicans secretly landed a cargo of flour at a place about ten miles west of the present town of Corpus Christi, for the purpose of conveying it across the country. The flour was destroyed, and the vessel seized, under the orders of the collector of the district, for violating the revenue laws of Texas.

The Texan troops being in great part withdrawn, in the spring of 1837, as no apprehensions of danger were then entertained, the Mexican *ranchéros* ventured across the Rio Grande to herd their cattle; but they were immediately attacked by the Texan "cow-boys," as they were termed, and compelled to cross over to the right bank. Repeated efforts were made by the *ranchéros* to establish themselves permanently, but the "cow-boys," though not acting under any positive orders of the Texan government, resisted every attempt, and during the desultory contests which took place, from 1837 to 1842, drove off nearly 80,000 head of cattle. The Mexican authorities uniformly discountenanced the establishment of any permanent settlements north of the river, and the civil jurisdiction of the department of Tamaulipas was exerted but rarely, if at all, in that part of its ancient

dominions. After the defeat of the federalistas, who revolted against the central government of Mexico in 1839, Generals Anaya and Canales, two of their leaders, crossed over the Rio Grande for protection. The latter united his forces with those of Captain Ross, of the Texan rangers, and a number of "cow-boys." They then crossed the river, and drove the Mexican army into Matamoras. Canales took shelter in Texas again, in 1840, when he was joined by Colonel Jordan, with near two hundred "cow-boys." They crossed the Rio Grande a second time, and penetrated as far into the country as Saltillo, where Canales betrayed his allies, who succeeded, however, in fighting their way back to the river.

After the invasion and defeat of Woll in 1842, the Texan army drove him across the Rio Grande and took possession of Laredo. At this point there had been a military organization, previous to the revolution in Texas, which was in existence when the army of the United States marched to the Rio Grande. On account of their liability to be attacked by the Indians in their vicinity, the inhabitants of Laredo were excepted from the operation of the act disarming the citizens of Coahuila and Texas; but they claimed to belong to the latter whenever they were visited by Hays and McCulloch's rangers, who frequently crossed over the country from San Antonio, to that and other points on the river; and in a proclamation issued in 1846, Canales called them Texans. They were probably of Mexican extraction; but the authority which Mexico exercised over them was far more questionable than that of Texas.

Besides the settlement at Laredo, there were a few straggling huts at Point Isabel, near the Brazos Santiago, occupied by Mexican fishermen and smugglers. During the war with France, goods imported by the merchants of Matamoras were often landed by stealth at the Brazos, in order to escape the notice of the French blockading fleet lying off the mouth of the Rio Grande. An agent of the custom-house, which was on the right bank of the Rio Grande and in the Mexican territory, was sent to reside at Point Isabel, to collect the duties before the goods were taken over the river, and a revenue officer of a similar character was continued there until the approach of General Taylor with his army, in the spring of 1846, when he voluntarily retired across the river, having never been in the least degree molested, by the American troops, in the exercise of his authority, whatsoever he might rightfully have possessed.

By the boundary act of the Texan Congress, no title was acquired to the disputed territory, except as it was followed and supported by the civil and military authority which she exercised. She did not fortify the whole left bank of the Rio Grande, nor plant her flag at every prominent point on the Gulf of Mexico; but her ability to drive the Mexicans from the territory, at pleasure, to their place of security beyond the river, was demonstrated; and if private individuals at any time returned there and established themselves, it would seem to have been done merely by her sufferance. The authority exercised by Texas, in the valley of the Nueces, and upon its western bank, including the settlement at Corpus Christi, was undoubted and undeniable. In the other

part of the territory in dispute, there could not have been one hundred persons as late as 1844, and it cannot be said with justice, that the Mexicans then had any "actual possession or fixed habitation east of the Rio del Norte," between the Gulf of Mexico and the "mountainous barriers at the Pass,"* with the exception of what they might claim at Laredo and Brazos Santiago. Mr. Donelson, the American *chargé d'affaires*, called the attention of the government of the United States, and of General Taylor, to the existence of these settlements, or posts, in the spring of 1845.† The latter was expressly instructed, when he entered the territory, not to interfere with the establishments made by Mexico, and to respect the rights and property of private citizens; and it is unnecessary to say, that his orders were faithfully observed.

But, in addition to these facts, Mexico herself, through her agents and officers, tacitly admitted the claim of Texas to the lower Rio Grande, on several occasions; although, as a general thing, she made no distinction in regard to any part of the country between that river and the Sabine. Her claim extended to the whole of Texas, and the comparatively unimportant question of boundary was merged in the greater one of title. Always insisting upon her right to every part and parcel of Texas, whenever, subsequent to the battle of San Jacinto, she adopted, either voluntarily or by compulsion, a limit to the

* Memoir of Lieut. Emory: Senate Doc. 341—1st session, 28th Congress—p. 56.

† Letters to Mr. Buchanan, June 30th, and July 11;—to General Taylor, June 28th, and July 7.

territory, all of which she regarded as having been forcibly and unjustly wrested from her, that limit was the Rio Grande. The southern and western bank of the river formed the outer limit of her military posts and fortifications. When her armies crossed it in force, the preparations made, the dispositions for the march, and the orders of the officers, showed that the movement was considered one of invasion; and when compelled to retreat, they retired behind it as to a place of refuge.

An armistice was proposed in 1843, in which it was stipulated that the Mexicans should confine themselves to the right bank of the river, and that the Texans should remain on the left bank. Tornel, the minister of war, in his letter dated July 7th, instructed General Woll, the commander-in-chief of the army of the north, that hostilities against Texas were "to be immediately suspended at all points of the line under [his] command," and that he must withdraw to it his advanced parties.* The line commanded by General Woll was the Rio Grande; and in his proclamation declaring the armistice at an end, he gave notice that every individual found one league from the river, on the east, would be looked upon as favoring "the usurpers of that territory," and be brought to trial before a court-martial, to be severely punished, if found guilty. Here, it seems, the Mexican general treated the question as one of usurpation, and admitted that the territory usurped extended to the Rio Grande. Canales, also, issued a *pronunciamento* against the government of Paredes, at Camargo, in February,

* Senate Doc. 341—1st session, 28th Congress—p. 84.

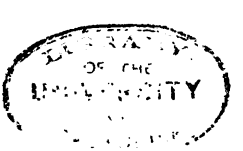
1846, in which he described himself as being "on the northern frontier."* It is very questionable whether he would have used this expression, if, in his opinion, the actual frontier was the Nueces, from 150 to 200 miles further north.

The intention of General Taylor to advance to the Rio Grande was known long before his army commenced its march; reconnoissances of the different routes by land and water, of Padre Island, the Laguna Madre, and the Brazos, were made early in February, 1846; and the fact that a forward movement was in contemplation, had been communicated by the Mexican officers on the frontier to their government. Notwithstanding this, no preparations were made to resist the approach of the American general, and he was induced, from the entire absence of such preparations, to believe that he would encounter no opposition.† The situation of the country afforded numerous opportunities for harassing the American troops on their march, and the passage of the Arroyo Colorado, if disputed, would have been attended with great loss. "This stream," says General Taylor, "is a salt river, or rather lagoon, nearly one hundred yards broad, and so deep as barely to be fordable. It would have formed a serious obstruction to our march, had the enemy chosen to occupy its right bank, even with a small force."‡

* House of Representatives, Exec. Doc. 196—1st session, 29th Congress—p. 106.

† Letters to the Adjutant General, October 8th, 1845, and February 4th and 16th, 1846.

‡ Letter to the Adjutant General, March 21, 1846.



The Mexican Minister, Peña y Peña, in a confidential interview with Mr. Black, as will be seen, and in an official note to that gentleman, insisted on the withdrawal of the American naval force off Vera Cruz, previous to the reception of a minister, in order that his government might not even appear to act under an implied menace. General Taylor was then known to be at Corpus Christi, and in the actual occupancy of territory lying west of the Nueces ; but this was not made the subject of complaint, nor even thought worthy of mention. At no time did the government of Herrera pretend that the occupation of the disputed territory was one of the reasons for refusing to receive Mr. Slidell : neither did Castillo y Lanzas, the minister of Paredes, in his note communicating the final determination of the Mexican government, allege that the occupation, or the contemplated advance to the Rio Grande, was the cause of the refusal.* Paredes once issued orders to attack the American army early in March, when the intentions of General Taylor were unknown ; and near the close of the month, when it was understood in Mexico, that he designed to advance, Paredes issued a manifesto, declaring that the Mexican government would itself commit no act of aggression ; thus acknowledging that the United States had committed no new act of that character, otherwise it would certainly have been mentioned.

Mexico undoubtedly considered every movement for the establishment of the authority of the United States as an act of hostility ; and in his proclamation of the 23rd

* See Diplomatic Correspondence, House of Representatives, Exec, Doc. 196—1st session, 29th Congress.

of April, 1846, declaring that the war had been commenced, Paredes referred to the occupation of Corpus Christi, the appearance of the naval squadrons in the Pacific and the Gulf of Mexico, the advance to the Rio Grande, and the blockade of the river, each and all, as so many aggravations of the original cause of offence—the annexation of Texas. That act was the principal grievance, and the others but so many incidents. This idea also appears to have been entertained by the Mexican commissioners, Herrera, Conto, Villamil, and Atristain, who stated expressly, in their letter to Mr. Trist, on the 6th of September, 1847, that the war was "undertaken solely on account of the territory of the State of Texas."*

In an interview with a staff officer belonging to the army of General Taylor, shortly after the battle of Buena Vista, Santa Anna, better disposed to keep faith in this respect than his countrymen, intimated that the Rio Grande was the proper boundary of Texas, and declared that Mexico could say nothing of peace, while the Americans remained on that side of the river.†

But there is another fact having reference to this question, which must be regarded as conclusive. After the treaty of Guadalupe Hidalgo, by which the war with Mexico was terminated, was concluded, the Mexican commissioners addressed a communication to their government, in which they say that "the intention of making the Bravo a limit has been announced by the clearest signs for the last twelve years; and it would have been

* Senate Exec. Doc. 20.—1st session, 30th Congress—p. 19.
† Official Dispatch of Santa Anna, February 27, 1847.

impossible, at the present day, to change it. After the defeat of San Jacinto, in April, 1836, that was the territory which we stipulated to evacuate, and which we accordingly did evacuate, by falling back on Matamoras. In this place was afterwards stationed what was called the Army of the North; and though it is true that expeditions and incursions have been made there, even as far as Bexar, we have very soon retreated, leaving the intermediate space absolutely free. In this state General Taylor found it when, in the early part of last year, he entered there by order of his government." With these opinions deliberately expressed by some of the highest functionaries of Mexico, what need is there of pursuing the argument in support of the claim of Texas to the Rio Grande as her southwestern boundary?

Opposed to these admissions, direct or implied, of the Mexican authorities, are the proclamations and dispatches issued by Mejía, Ampudia, and Arista, on the approach of General Taylor. All three of these generals declared that the advance of his army was a hostile movement; yet they appeared to differ with respect to the proper point to which the invading forces, as they were called, should be allowed to extend their occupation. Mejía announced, through his representative, that the passage of the Arroyo Colorado would be regarded as an act of war; Ampudia desired General Taylor to retire beyond the Nueces; and Arista insisted, that the law annexing Texas gave no right to occupy the Rio del Norte, without attempting to confine the American army

to any precise limits.* The prefect of the northern district of Tamaulipas, Jenes Cardenas, also issued his protest, dated at Santa Rita, on the 23d of March, 1846, against the occupation of any portion of the department; but it must be remembered that the head-quarters of his prefecture were at Matamoras, and it is doubtful whether he ever exercised authority north of the Rio Grande. Besides, General Taylor very properly regarded him as a mere tool of the military authorities in Matamoras, and after the capture of that city he proved himself to be as corrupt as he was pusillanimous, by soliciting, in the humblest terms, to be continued in his office.

In view of the facts which have been detailed, it will not appear strange, that the government of the United States adopted the Rio Grande as the boundary of Texas, or that the civil and military officers of Mexico, in every department of the government, repeatedly admitted that the tract between that river and the Nueces formed part of the territory usurped, as was said, by the Texans.

Having decided the question of boundary, the offensive attitude of Mexico required, in the opinion of Mr. Polk and his cabinet, that the territory should be occupied by American troops; the occupation being limited, in the first place, to such points as had long been under the acknowledged jurisdiction of the laws of Texas. Had friendly relations existed with Mexico, she might justly have complained of the occupation unless every effort at negotiation had failed; but as all intercourse with her

* See Mejía's proclamation, dated March 18th, 1846; General Taylor's letter, March 21st; Ampudia's dispatch, April 12th; and Arista's proclamation to the foreigners in the American army, April 20th.

was interrupted, by her own act, this course was imperatively demanded by a due regard for the national honor and dignity, leaving out of view the duty of the federal government to Texas herself. In occupying the territory, this language was held to Mexico: We have ever been disposed to negotiate fairly and amicably for the adjustment of the boundary of Texas, but as you have withdrawn your minister and refused to hold intercourse with us, you have forced us to fix the boundary for ourselves, and to occupy the territory with our troops, under orders not to molest your people or their possessions, lest it might be said hereafter by you, that we had forfeited our rights by not occupying the country or exercising authority over it.

Accordingly, General Taylor, who had been posted at Fort Jesup, since the spring of 1844, with a considerable body of troops, was ordered to establish his command in Texas, in such a manner as would enable him to protect the territory between the Nueces and the Rio Grande, and to take position with a portion of them west of the former river. In compliance with his orders, given under the direction of Mr. Polk, General Taylor put his command in motion, and early in the month of August, 1845,—the resolution of annexation having been accepted by the Texan Congress and Convention,—he landed his troops on the bay of Corpus Christi, west of the Nueces, where he established his main encampment, and commenced disciplining and instructing his men, in order to fit them for active service if it should be required. He was instructed to respect the rights of property, and not to interfere with the Mexican settlements east of the Rio

Grande. These instructions were carefully observed by the "army of occupation," which was reinforced, until it comprised more than half of the entire army of the United States. If an attack was threatened, and his command appeared to be in danger, General Taylor was further authorized, to call upon the governors of the neighboring states for volunteers.

Meanwhile the Mexican government was not idle. Adhering to their declaration that war existed, and to the determination of invading Texas expressed by President Herrera, efforts were made to increase the army, and to provide the means for carrying on the war. The embarrassed condition of the finances prevented the immediate accomplishment of the wishes of the government, although General Arista was ordered from Monterey to Matamoras, in the month of August, with a force of 1,500 men, to reinforce the troops already in that quarter, then about 500 strong. Later in the season, between eight and nine thousand men were assembled at San Luis Potosi, under General Paredes, then in command of the army of the north.

While matters were in this position, and the scales of war and peace hung at an even poise, information was received by the American administration, from Mexico, which rendered it highly probable that the government of that country was willing to resume her former relations with the United States. The American government cheerfully took the initiative in renewing their intercourse, in order that it might not be said they were loth to reciprocate any friendly feelings understood to exist. Mr. Black, the American consul in the city of Mexico, was

therefore instructed by Mr. Buchanan, to ascertain whether the Mexican government would receive an envoy, "intrusted with full power to adjust all the questions in dispute between the two governments;" and if the reply to his inquiry should be in the affirmative, he was informed that "such an envoy" would be "immediately dispatched to Mexico."* A confidential interview took place between Mr. Black and Peña y Peña, the Mexican minister of foreign relations, in which the substance of the dispatch received from his government was made known by the American Consul; and on the 13th of October, he addressed an official note to the Mexican minister, communicating the instructions he had received, in the precise terms of the letter of Mr. Buchanan, as before quoted.† On the 15th of October, Peña y Peña informed Mr. Black, in writing, that his government was "disposed to receive the commissioner of the United States," who might come "with full powers from his government to settle the present dispute in a peaceful, reasonable, and honorable manner."‡

As it has often been questioned, whether the Mexican government consented to receive a minister, *eo nomine*, and as an American historian has conceded the point in their favor,§ it may be well to inquire carefully what was in fact proposed on the one hand, and what was accepted on the other. Mr. Black stated distinctly, that his

* House of Representatives, Exec. Doc. 60—1st session 30th Congress—p. 12.

† Ibid., p. 14.

‡ Ibid., p. 16.

§ Ripley's War with Mexico, vol i. p. 65.

government would dispatch to Mexico an envoy clothed with full power to settle all disputes. Peña y Peña did not reply, that Mexico would receive no such minister or envoy; but he said, that she would receive *the* commissioner coming with full powers to settle the present dispute. Carefully worded as was the note of the Mexican minister, the inference was irresistible that his government consented to receive *the* identical minister, commissioner, or envoy, whatever he might be styled, proposed to be sent by Mr. Buchanan, as the cabinet officer of President Polk. If this is not so, then the note of Peña y Peña had a double meaning, which subsequent events rendered probable; but the United States were justified in construing it in a manner consistent with fair and honorable diplomacy. No argument can overturn this position,—no sophistry relieve the Mexican government from the imputation of bad faith in this correspondence.*

Jealousy, suspicion, and distrust, were manifested by all classes and parties in Mexico, at the time when the proposition to resume her diplomatic relations with the United States was received and accepted. The arrangement, however, was approved by the Mexican Congress in secret session; the American naval force off Vera Cruz

* An examination of the original communication of Peña y Peña to Mr. Black, will fully confirm the position above taken. The following extract has reference to the consent to receive a minister: "*En contestacion debo decirle, que a pesar de que la Nacion Mexicana está gravemente ofendida por la de los Estados Unidos, en razon de los hechos comitidos por está en el Departamento de Tejas, proprio de aquella, mi Gobierno está dispuerto a recibir al comisionado que de los Estados Unidos venga a esta Capital con plenos poderes de su Gobierno para arreglar de un modo pacifico, razonable y decorroso, la contienda presente.*"

was withdrawn; everything wore a promising aspect; and toward the close of October, the Mexican Minister of Foreign Relations expressed some anxiety to know when the envoy from the United States might be expected. The American Executive, immediately upon the receipt of Mr. Black's dispatches, appointed Mr. John Slidell as Minister Plenipotentiary to the Government of Mexico, and gave him full instructions and powers to settle and adjust all differences between the two countries.* Mr. Slidell arrived at Vera Cruz on the 30th of November, and hastened forward, immediately, to the city of Mexico. At Puebla he was met by Mr. Black, who informed him that the Mexican government were alarmed by his arrival at such an inopportune moment, as they had not expected him until the 1st of January, and matters had not been prepared for his reception. The first intimation received by Mr. Black, that the time of the arrival of an envoy was deemed of any importance, was on the 3rd of December, in an interview with Peña y Peña, and he had hastened from Mexico to meet Mr. Slidell, and communicate with him before he reached the capital.

It appeared that the administration of Herrera had been constantly growing weaker and weaker. Instead of seizing, into his own hands, the means which might have enabled him to control the turbulent government over which he was placed, he suffered them to be used for his own destruction. Finesse and management were resorted to, when nothing could have so much strengthened his administration, as promptitude, firmness, and decision. Early in November he began to be seriously

* See letter of instructions to Mr. Slidell, November 10, 1845.

alarmed; the fidelity of Paredes was suspected; and orders were issued for him to break up his cantonment at San Luis, and to scatter the troops in different parts of the country. Herrera and his ministers were probably well disposed to the United States, but their indecision was followed by its legitimate results; and when Mr. Slidell presented himself, they attempted to bolster up the tottering administration, by a refusal to receive him. The arrival of an envoy from the United States was a matter that it was impossible to conceal, after he had once landed; the evil which might easily have been prevented, if the Mexican government had but intimated the necessity for delay, was past all remedy; and Mr. Slidell concluded to continue his journey to Mexico.

The fact that the administration of Herrera had consented to receive a minister, was known long previous to the arrival of Mr. Slidell, although the *pronunciamento* of Paredes against the government, issued at San Luis, did not appear until the 15th of December. For several weeks before Mr. Slidell reached Mexico, the monarchists and centralists in the capital were very busily engaged in preparing the *plan* of their anticipated movement. An outbreak was regarded as a matter of certainty, unless the administration took measures to prevent it. On the second day after his arrival in Mexico, Mr. Slidell addressed a letter to the Mexican Minister, dated the 8th of December, informing him of his arrival, and desiring to know when his credentials would be received and himself accredited. No answer was returned to this communication; and in two private interviews between Mr. Black and Peña y Peña, held on the 8th and 13th of

December, the latter exhibited so many symptoms of a desire to evade a compliance with the terms of the proposition which the Mexican government had accepted, that Mr. Slidell wrote a second note, on the 15th of the month, requesting to know when he might expect a reply to that previously written. On the following day he was informed by Peña y Peña, that there had been difficulties in regard to his reception, which it had been found necessary to submit to the council of government for their determination. The difficulties alluded to were—that Mr. Slidell's appointment had not received the sanction of the American Congress, or been confirmed by the Senate; and that the Mexican government had consented to receive a commissioner to settle the question relating to Texas, but not a resident minister. These objections were evidently mere pretences, as the only argument urged against the administration, by Paredes and his supporters, was, that it had consented to receive a minister, and listen to a proposition for opening new negotiations. This was the only question involved, as admitted by Herrera himself, in a letter written to Señor Pacheco, minister of foreign relations, on the 25th of August, 1847.* The bad faith of the Mexican administration in this transaction was subsequently exhibited in a most unenviable light, by the publication of a communication made to the council of government by Peña y Peña, in his official capacity, on the 11th of December, at the very time when he was professing so much friendship towards Mr. Black and Mr. Slidell, in which the refusal to receive the minister was recommended in positive and express

* Senate Exec. Doc. 1—1st session 30th Congress—p. 41.

terms.* The deliberations of the council, though nominally secret, were matters of public notoriety. Its members were well known to be decidedly opposed to the reception, and, on the 18th of December, their *dictamen* advising against it was made public. Information of this fact, and of the evident want of frankness and candor on the part of Herrera's administration, in their intercourse with him, was communicated by Mr. Slidell, on the same day, to the government of the United States.†

Mr. Slidell addressed two letters to Peña y Peña, on the 16th and 20th of December, desiring to be informed as to the difficulties in the way of his reception, in order to remove them, if in the power of himself or of his government. In reply to the second note, the positive determination of the Mexican government not to receive him was communicated. This decision did not save the administration of Herrera from the consequences of its own weakness and pusillanimity. Its want of firmness and decision was so manifest, that the military in the capital pronounced in favor of the revolutionists on the 29th of December, and on the following day Herrera resigned the presidency, without making a single effort to quell the outbreak. The tide had been turned for months, and he lacked the courage to stem it for an instant. Paredes entered the city with his troops, in triumph, on the 2d of January, and on the next day was chosen provisional President. Soon after he was elected to the same office, by the Constituent Congress. He had come into power for the avowed purpose of putting an end to all negotia-

* House of Representatives Exec. Doc.—1st session 29th Congress—p. 49.
† Ibid, p. 18, et seq.

tions with the United States, and of declaring and carrying on an offensive war. The desire to establish himself firmly in his place rendered him loth to remove the army to a distance, and no immediate measures of hostility were adopted. In a short time after his elevation, the establishment of a monarchy in Mexico was suggested by some of his most intimate friends. This movement proved to be unpopular, and prevented his obtaining the necessary loans for the support and increase of the army. The condition of the relations between the United States and Great Britain also boded war, and he was quite willing to wait and see the former engaged with a more powerful antagonist, before venturing to cope with their forces single-handed.

Mr. Slidell had retired to Jalapa in February, to await the termination of the revolutionary contest in Mexico. As an entirely different government had been established, after the country became more quiet, he addressed a note, on the 1st of March, to the new minister of foreign relations, Castillo y Lanzas, calling his attention to the subject of his reception, and requesting to know the views of the new administration in regard to the question. He was informed, in reply, by the note of the minister, written on the 12th, that he could not be received as a resident minister, and similar reasons were given for the refusal to those previously expressed by Peña y Peña. In consequence of this final rejection of the offer to negotiate, Mr. Slidell requested the necessary passports, and, in a few days, set out on his return to the United States.*

* See Diplomatic Correspondence, House of Representatives, Doc. 196—1st session 29th Congress.

The Mexican government immediately commenced making preparations for war. Loans were obtained, arms and supplies provided for the army, and its numerical force augmented; and on the 4th of April, positive orders were issued to the officers commanding on the northern frontier, to attack the American troops.

In the meantime, the American administration had not been unmindful of the duty imposed upon them. The dispatch of Mr. Slidell exposing the duplicity and bad faith of the Mexican government, and announcing the *dictamen* of the council, was received on the 12th of January, 1846, and on the following day General Taylor was instructed to advance and occupy with his troops positions on or near the east bank of the Rio Grande, as soon as it could conveniently be done. He was further directed to observe his former orders; to commit no act of hostility or aggression; not to enforce the common right of navigating the river, or to treat Mexico as an enemy unless she assumed that character; but to repel any attack, and if hostilities were commenced by the Mexican troops, to adopt such offensive measures as he might deem advisable.

In the heat of party strife, it was natural that the conduct of President Polk in directing the advance of General Taylor to the Rio Grande, should be severely critised and censured by the opposition. The same thing was witnessed during the administration of Mr. Madison, with reference to the war of 1812; he was maligned and calumniated by his political opponents, but posterity has meted out justice to him and to them. The memory of Madison is enshrined in the hearts and affections of the

American people, while the federalism of his day has descended to the tomb of the Capulets. And will not the historian of a succeeding age discover a parallel to this in the administration of James K. Polk? Political opponents, with minds heated by party collisions and animosities, and warped by prejudice, represented him as another Cæsar,

> "ranging for revenge,
> With Atê by his side, come hot from hell,"

and uttering her fell cry of "havoc," as he unleashed the dogs of war.

But attacks of this character passed him by unheeded. Strong in the consciousness of right, he desired only to discharge what he conceived to be his duty. He was a man of peace. The suffering and wretchedness, the misery and woe, which war produced, he always deplored; but no reflections that he was responsible in aught for increasing its horrors ever occasioned him a moment's pain, or disturbed the calm serenity of his dying hour. He would, indeed, have been recreant to duty,—false to himself and false to his country,—had he not ordered the advance to the Rio Grande. It was the policy of wisdom—the policy of right—the policy of justice.

It has been said, that General Taylor ought to have remained in his position at Corpus Christi, on the defence, and the ports of Mexico been blockaded; and thus an actual collision would have been avoided; but this argument is put forth in entire ignorance of the impracticability of the Spanish character. Had this policy been adopted, the question would either never have been settled, and the United States compelled to maintain an

army in the field, and a naval force in the Gulf of Mexico, at great expense, for an indefinite period of time; or else hostilities would soon have ensued, and in the latter event, the American army would have been obliged to traverse the weary route between Corpus Christi and the Rio Grande before being able to strike an effective blow. The history of Mexico furnishes a case in point. She laughed to scorn the tri-color of France when her harbors were blockaded, but soon repented of her folly, when the walls of San Juan de Ulua came tumbling down into the roadstead of Vera Cruz.

In fulfilment of his instructions, General Taylor broke up his encampment at Corpus Christi on the 8th day of March, 1846, and commenced moving his army in the direction of the Rio Grande. No opposition was offered to his march, but on his approach to Point Isabel, the buildings of the settlement there, called Frontone, were set on fire, under the orders of Mexican officers. This he viewed as an act of war; and properly so, because it was the destruction of property on territory the title to which was in dispute. He determined, however, to preserve the peaceful attitude which he had hitherto maintained, and leaving a small body of troops at the point, where he established his principal dépôt of stores, he continued his march with the main army till he reached the bank of the Rio Grande, opposite Matamoras. He then dispatched one of his officers, General Worth, across the river, as the bearer of a communication to General Mejía, the officer in command at Matamoras, informing him of the desire of the American commander for amicable relations, of his intention not to commit any acts of hos-

tility unless he was attacked, and of his willingness to leave the port of Brazos Santiago open to the citizens of Matamoras until the boundary question should be definitely settled.

General Worth was received by General la Vega, the second in command, who refused to convey the communication of General Taylor to General Mejía. General Worth then requested permission to communicate with the American Consul at Matamoras. This was also refused, whereupon he returned to General Taylor's position, and informed him of the result of his mission. Orders were now given to encamp, and the American flag was for the first time planted on the shores of the Rio Grande. For the security of his command, and not in a spirit of defiance, General Taylor fortified his position, and placed his artillery so as to cover the approaches. Everything continued peaceful until the arrival of General Ampudia at Matamoras, on the 11th of April, 1846, with a reinforcement of about twenty-five hundred men. He immediately assumed the command, and required General Taylor to abandon his position, and to retire beyond the Nueces, or the war would be commenced. General Taylor declined to discuss the international question, and refused to retire.

But the existence of a state of war having been thus announced, General Taylor directed the mouth of the Rio Grande to be blockaded by the American naval commander at Brazos Santiago, who had received orders to coöperate with him. No further offensive measures were at the time adopted by him, although outrages, perpetrated by the Mexican irregular troops, or *ranchéros*, were

of almost daily occurrence. At length the Mexican army, now under the command of General Arista, crossed the Rio Grande in force, intending to surround General Taylor's position, and compel him to capitulate. But he and his soldiers, like the garrison of Cambray, though they did not know how to surrender, knew very well "how to fight."

On the 24th of April, a body of Mexican lancers committed an unprovoked attack upon a party of American troops sent out to observe the movements of Arista. The Congress of the United States was at this time in session, and on receiving the intelligence of the hostile encounter, the President communicated it to them in a special message, on the 11th day of May, with the recommendation that the most energetic measures should be adopted. An act was therefore passed, on the 13th inst., with great unanimity,—there being but fourteen negative votes in the House of Representatives, and but two in the Senate,—declaring that a state of war existed between the two countries, "by the act of the republic of Mexico."* Provision was also made in the law for filling up the regular regiments; the President was authorized to accept the services of fifty thousand volunteers; and the sum of ten millions of dollars was appropriated to carry on the war.

The utmost activity now prevailed in all the executive departments at Washington. Additional duties were imposed upon the President, but they were performed with promptitude. While the war continued, he read all the dispatches of importance, and often prepared or dictated

* This clause, which was contained in the preamble, was not approved by the Whig members. They endeavored to have the preamble stricken out, but when the motion failed, most of them voted for the act.

the orders and instructions. During the summer of 1846, nearly twenty thousand men were thrown forward in the direction of the seat of war. General Taylor was largely reinforced, and strong columns of attack were directed upon Chihuahua and New Mexico, under Generals Wool and Kearny. Previous to this, however, General Taylor had driven the Mexicans from the left bank of the Rio Grande, by his brilliant victories at Palo Alto and Resaca de la Palma. On the arrival of his reinforcements and supplies, he proceeded against Monterey, the capital of New Leon, where the often routed columns of the enemy had rallied; and after a stout resistance, this town also surrendered to his arms, on the 24th of September. On the 23d day of February following, he achieved a decisive victory over Santa Anna, who had succeeded Paredes as the head of the Mexican republic, near the hacienda of Buéna Vista.

Meanwhile, General Scott had been dispatched with a powerful armament to Vera Cruz. Landing near that town with an army about thirteen thousand strong, he formed a line of investment and opened his batteries. The city soon surrendered, and with it the castle of San Juan de Ulua. Having garrisoned the town and castle, he took up the line of march for the Mexican capital. Driving the enemy from the pass of Cerro Gordo by a well-executed *coup-de-main*, he continued along the National Road to Puebla, where he awaited the arrival of reinforcements. When these came up, he moved upon the city of Mexico with his army arranged in four divisions, under the command, respectively, of Generals Worth, Twiggs, Pillow, and Quitman. Passing round

the lakes Chalco and Xochimilco, he came upon the southern approaches to the city of Mexico. On the 19th and 20th of August, 1847, were fought the bloody battles of Contreras and Churubusco, and the capital itself seemed ready to fall into the hands of the victorious Americans. The Mexican authorities began to repent of their temerity in provoking so unequal a struggle, and proposed an armistice, to give an opportunity for opening negotiations, to which General Scott cheerfully assented.

Repeated efforts to negotiate had been made in the meantime by the American government. In July, 1846, a proposition was distinctly made by Mr. Buchanan to the Mexican executive to open negotiations for the conclusion of a peace, but the friendly offer was again declined. In the spring of 1847, Mr. Trist, formerly the chief clerk in the Department of State, was appointed, contrary to the better judgment of Mr. Polk, but in compliance with the request of a great number of his friends, as a commissioner to accompany the column commanded by General Scott, in order that if propositions of peace were offered they might be acted on without delay. When the armistice was concluded, therefore, Mr. Trist held several conferences with the commissioners appointed by the Mexican government, but the terms demanded by the latter were wholly inadmissible, and the negotiation terminated abruptly. The armistice had already been infringed, on several occasions, and Gen. Scott determined to be trifled with no longer. On the 8th of September the battle of El Molino del Rey was fought; on the 13th instant, the castle of Chapultepec was stormed and the western gates of the city seized by the American troops;

and on the following day their standard was unfurled in triumph on the Palacio of Mexico.

Soon after the commencement of the war, New Mexico and the Californias had been overrun and taken possession of, by General Kearny and Colonel Frémont, with the assistance of the naval squadron in the Pacific, under the command, at different periods, of Commodores Biddle, Stockton, Shubrick, and Jones. Besides the conquest of the northern provinces of Mexico, General Taylor had in his possession, or under his control, the provinces of Tamaulipas, New Leon, and Coahuila; Tampico, Tuspan, Alvarado, and Tabasco, had been captured by Commodores Conner and Perry; and General Scott held the city of Vera Cruz, the castle of San Juan de Ulua, the line of the National Road, with the important towns which it intersected, and the capital of the Mexican republic. All this had been accomplished in less than eighteen months after the first collision on the banks of the Rio Grande. No difficulties seemed too great for the American soldiers to overcome,—no odds too fearful for them to meet. Against three and four times their numbers, they contended, frequently under great disadvantages of position, but always with success; and wherever their flag was borne, the eagles of victory delighted to hover above it.

Mexico was now willing to negotiate. Mr. Trist had been recalled, in consequence of acting in disregard of his instructions, but he had not yet left Mexico, and under the advice of General Scott, he concluded a treaty with the Mexican commissioners appointed for that purpose, at Guadalupe Hidalgo, on the 2d day of February, 1848. By this treaty the Rio Grande was established

as the boundary between the United States and Mexico, below El Paso; and the provinces of New Mexico and Upper California,—the latter with all its rich mines of wealth, then not known to exist,—were ceded to the United States, in consideration of the payment to Mexico of the sum of fifteen millions of dollars, and the assumption by the former of the claims of her citizens.

As the terms of the treaty were, with some slight exceptions, satisfactory to Mr. Polk, he submitted it to the Senate, although it had been concluded by an unauthorized person. That body duly ratified it, with certain modifications, on the 10th of March; the amendments were approved by the Mexican Congress, and on the 30th day of May, the ratifications were exchanged in the city of Querétaro, by the commissioners of the two governments.

CHAPTER X.

The Independent Treasury—Tariff of 1846—Course in regard to Appointments—River and Harbor Veto—Second Annual Message—Special Message on the Improvement Bill—Thirtieth Congress—President's Message—Refusal to Communicate Diplomatic Correspondence—Oregon Territorial Bill—Views of Mr. Polk—Presidential Election—Last Congress during his administration—Inauguration of his successor.

AMONG the principal recommendations in the first annual message of President Polk, were the reëstablishment of the independent treasury system; the revision of the tariff act of 1842, in such a manner as to have it conform to the revenue standard, with the substitution of *ad-valorem* duties for minimums, or false valuations, and for specific duties; the increase of the navy by the construction of additional war steamers; and the graduation and reduction of the minimum rate at which the public lands were sold.

These recommendations were cordially approved by Congress. The independent treasury law was revived, and again established under more favorable auspices than those which attended its first introduction into the financial system of the government. A new tariff law—known as the tariff of 1846—of a purely revenue character, and based on a plan prepared by the secretary of the treasury, Mr. Walker, was also reported in the House of Representatives from the Committee of Ways and Means. A protracted and able debate, in which the

whole subject of the tariff was viewed and reviewed, considered and reconsidered, for the hundredth time, engaged the attention of members for several weeks. The bill was finally adopted in the House by a vote of one hundred and fourteen to ninety-four. In the Senate it was sustained by a vote of twenty-eight to twenty-seven, and it went into operation on the 1st day of December, 1846. At this session, also, a bill was passed, and approved by the President, authorizing imported goods subject to duty to be warehoused in the public stores for a limited period,—the duties to be paid when the goods were removed.

Most of the time of the two Houses toward the latter part of the session, was occupied in considering and acting upon the various measures suggested or proposed for carrying on the war. In general a most commendable spirit prevailed in this respect, among the members of both parties. Whatever the President asked for was promptly voted, and in addition to the increase of the regular army, the placing the navy on a war footing, and the authority to call out volunteers, ample pecuniary means were placed at his disposal. Besides the first appropriation of ten millions of dollars, another was made of twelve millions, and various smaller sums were granted at different times.

During this session of Congress, the President was required to make a great number of changes in the offices filled by his appointment, and also to propose many new appointments. In making his selections from the somewhat numerous applicants, he was ever governed by two considerations,—that of securing a faithful, able, and

honest officer, and, if consistent with the former, that of promoting the interests and welfare of the party which had elevated him to the position he filled. His situation was one of great delicacy. Formidable divisions had grown up in the democratic party of New York; in Pennsylvania, the friends of Mr. Dallas and Mr. Buchanan were not on the most cordial terms; in the west, Mr. Benton had many warm adherents, and many bitter opponents, in the republican party; and in the south, the admirers of Mr. Calhoun, and those who were not willing to follow his lead, were often pitted against each other. To avoid an open rupture with one or other of these factions was difficult, but he succeeded in doing so until the last year of his administration.

Near the close of the session, a bill was introduced into the House of Representatives, placing at the disposal of the President the sum of three millions of dollars, to be used by him, if he deemed it expedient, in the negotiation of a treaty of peace with Mexico. While the bill was under discussion, Mr. Wilmot, a member from Pennsylvania, and a professed friend to the administration, moved the addition of a proviso—to which his name has since been applied—prohibiting the existence of domestic slavery, except for crime, in any territory on the continent of America acquired by or annexed to the United States, by virtue of the appropriation. Like the measures of the abolitionists in former years, this proposition was regarded by the southern members as a blow aimed at the interests which they were expected to guard. They opposed it, therefore, but as it came upon them suddenly, at the close of a fatiguing session, it did not excite much

feeling or occasion much debate. It was supported by nearly all the members from the free states, and was consequently carried, in opposition to the votes of the members from the slaveholding states. In the Senate, the bill, which had been amended by reducing the sum asked for to two millions of dollars, was lost for want of time.

A short time prior to the adjournment, an act was passed in the Senate, which had received the favorable vote of the House on the 20th of March, making appropriations for the improvement of certain harbors and rivers, in all amounting to nearly fifteen hundred thousand dollars. The views of Mr. Polk on the subject of internal improvements had been long maturing, but they were now firmly established. The appropriation of so large an amount of money, at this peculiar juncture, when the country was involved in war, appeared to him most unwise; but he was opposed to the bill upon principle. A number of the appropriations were for the improvement of rivers that could scarcely be called navigable, and of harbors, on the northern and western lakes, where there was no commerce, and which were not required for the security or shelter of vessels engaged in it. In his opinion, these appropriations were not needed for the protection of foreign commerce, or of the vessels of the United States; and he was unable, therefore, to discover any authority for making them, in the federal constitution. For this reason he returned the bill to the House, on the 3d day of August, 1846, with the following message stating his objections to its passage:

HARBOR AND RIVER VETO.

To the House of Representatives:

I HAVE considered the bill entitled "An act making appropriations for the impovement of certain harbors and rivers," with the care which its importance demands, and now return the same to the House of Representatives, in which it originated, with my objections to its becoming a law. The bill proposes to appropriate one million three hundred and seventy-eight thousand four hundred and fifty dollars, to be applied to more than forty distinct and separate objects of improvement. On examining its provisions, and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the federal government in all parts of the Union. The constitution has not, in my judgment, conferred upon the federal government the power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose. That this bill assumes for the federal government the right to exercise this power, cannot, I think, be doubted. The approved course of the government, and the deliberately expressed judgment of the people, have denied the existence of such a power under the constitution. Several of my predecessors have denied its existence in the most solemn forms.

The general proposition that the federal government does not possess this power is so well settled, and has for a considerable period been so generally asquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general consid-

erations which have satisfied me of the unconstitutionality and inexpediency of the increase of such a power.

It is not questioned that the federal government is one of limited powers. Its powers are such, and such only, as are expressly granted in the constitution, or are properly incident to the expressly granted powers, and necessary to their execution. In determining whether a given power has been granted, a sound rule of construction has been laid down by Mr. Madison. That rule is, that "whenever a question arises concerning a particular power, the first question is whether the power be expressed in the constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an expressed power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it." It is not pretended that there is any express grant in the constitution conferring on Congress the power in question. Is it, then, an incidental power, necessary and proper for the execution of any of the granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. "A power to be incidental must not be exercised for ends which make it a principal, or substantive power, independent of the principal power to which it is an incident." It is not enough that it may be regarded by Congress as convenient, or that its exercise would advance the public weal. It must be necessary and proper to the execution of the principal expressed power to which it is an incident, and without which such principal power cannot be carried into effect. The whole frame of the federal constitution proves that the government which it creates was intended to be one of limited and specified powers. A construction of the constitution, so broad as that by which the power in question is defended, tends imperceptibly to a consolidation of power in a government intended by its framers to be thus limited in its authority. "The obvious tendency

and inevitable result of a consolidation of the States into one sovereignty, would be to transform the republican system of the United States into a monarchy." To guard against the assumption of all powers which encroach upon the reserved sovereignty of the States, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule, that all the functionaries of the federal government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the federal government should be deemed proper, it is safer and wiser to appeal to the States and the people, in the mode prescribed by the constitution, for the grant desired, than to assume its exercise without an amendment of the constitution. If Congress does not possess the general power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill, from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle, that Congress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single State; and though, in the language of the bill, they are called harbors, they are not connected with foreign commerce, nor are they places of refuge or shelter for our navy, or commercial marine, on the ocean or lake shores. To call the mouth of a creek, or a shallow inlet on our coast, a harbor, cannot confer the authority to expend the public money in its improvement.

Congress have exercised the power, coëval with the constitution, of establishing lighthouses, beacons, buoys, and piers, on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and of affording protection and shelter for our navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the government through all preceding administrations, I am not disposed to question or disturb the authority to make appropriations for such purposes.

When we advance a step beyond this point, and, in addition to the establishment and support, by appropriations from the treasury, of lighthouses, beacons, buoys, piers, and other improvements, within the bays, inlets, and harbors, on our ocean and lake coasts immediately connected with our foreign commerce, attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the federal government.

One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that "expenditures of this character" should be "confined below the ports of entry or delivery established by law." Acting on this restriction, he withheld his sanction from a bill which had passed Congress "to improve the navigation of the Wabash river." He was at the same time "sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations for remote and not well-understood objects." This restriction, it was soon found, was subject to be evaded, and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and

delivery may be established by law upon the upper waters; and in some instances almost at the head springs of some of the most unimportant rivers, and at points on our coast possessing no commercial importance, and not used as places of refuge and safety by our navy, and other shipping. Many of the ports of entry and delivery now authorized by law, so far as foreign commerce is concerned, exist only in the statute-books. No entry of foreign goods is ever made, and no duties are ever collected at them. No exports of American products bound for foreign countries ever clear from them. To assume that their existence in the statute-book as ports of entry or delivery, warrants expenditures on the waters leading to them, which would be otherwise unauthorized, would be to assert the proposition that the law-making power may engraft new provisions on the constitution. If the restriction is a sound one, it can only apply to the bays, inlets, and rivers connected with or leading to such ports as actually have foreign commerce; ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries. It will be found, by applying the restriction, thus understood, to the bill under consideration, that it contains appropriations for more than twenty objects of internal improvement, called in the bill harbors, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the treasury, there has never been a vessel cleared for a foreign country.

It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed. It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which, if improved, can benefit only the particular neighborhood in which they are situa-

ted. It will be found, too, to contain appropriations, the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make, would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions, would be to concede the principle that the federal government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive executives. It would be to efface and remove the limitations and restrictions of power which the constitution has wisely provided, to limit the authority and action of the federal government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the federal government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country, as far as my constitutional action may enable me to do so.

It not only leads to a consolidation of power in the federal government at the expense of the rightful authority of the states, but its inevitable tendency is to embrace objects for the expenditure of the public money which are local in their character, benefiting but few, at the expense of the common treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative counsels. It will produce combinations of local and sectional interests, strong enough, when united, to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and

cannot fail to lead to wasteful and extravagant expenditures. It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests, and the general interests of the whole. It is unjust to those states which have, with their own means, constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other states. In its operation it will be oppressive and unjust toward those states whose representatives and people either deny or doubt the existence of the power, or think its exercise inexpedient, and who, while they equally contribute to the treasury, cannot, consistently with their opinions, engage in the general competition for a share of the public money. Thus, a large portion of the Union in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the government, would, under the operation of such a system, be compelled to see the national treasure — the common stock of all — unequally disbursed, and often improvidently wasted, for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the States, and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvements will be proportionately increased. In each case, the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

The wisdom of the framers of the constitution, in withholding power over such objects from the federal government, and

leaving them to the local governments of the states, becomes more and more manifest with every year's experience of the operations of our system. In a country of limited extent, with but few such objects of expenditure, (if the form of government permitted it), a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river, in our country, which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood. The federal constitution was wisely adapted in its provisions to any expansion of our limits and population; and with the advance of the confederacy of the States, in the career of national greatness, it becomes the more apparent that the harmony of the Union, and the equal justice to which all its parts are entitled, require that the federal government should confine its action within the limits prescribed by the constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated; and, did they stand alone, I should not feel it to be my duty to withhold my approval. If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed, at a time when the country is engaged in a foreign war, and when Congress at its present session has authorized a loan, or the issue of treasury-notes, to defray the expenses of the war, to be resorted to if the "exigencies of the government shall require it." It would seem to be the dictate of wisdom, under such circumstances, to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury-notes, which may become necessary, to the smallest practicable sum. It would seem to be

wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt, the existence of which would be opposed to the interests of our people, as well as to the genius of our free institutions.

Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the treasury, for it is not to be doubted, that numerous other localities, not embraced in its provisions, but quite as much entitled to the favor of the government as those which are embraced, will demand, through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt, or increased burdens upon the people by taxation, to supply the treasury with the means of meeting the accumulated demands upon it. With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents, to coöperate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill.

The veto of the President occasioned surprise on the part of some of the members of the House, who were either ignorant of his sentiments on the subject of internal improvements, or supposed that he would overlook the few items in the bill of an objectionable character. After some debate, the bill was reconsidered on the 4th of August, and declared lost. Ninety-seven members voted that the bill should become a law, notwithstanding the objections of the President, and ninety-one voted in the negative; consequently there were not two-thirds in its favor.

On the 7th day of December, the twenty-ninth Congress reassembled for the short session. The war with Mexico was the principal topic discussed in the President's message. He recommended the vigorous prosecution of offensive measures until "indemnity for the past and security for the future" were obtained, the granting of letters of marque and reprisal, and the appropriation of the sum of three millions of dollars asked for at the previous session. He also repeated his views in regard to the tariff system, and the graduation and reduction of the prices of the public lands.*

A bill making the desired appropriation of three millions was introduced, and passed the House, with the addition of the Wilmot Proviso adopted as an amendment after a long and heated debate; but in the Senate, the amendment was stricken out, and the bill afterwards became a law in its original shape. Bills providing for the increase of the army by ten regiments, for the appointment of additional officers, and for the construction of four mail-steamers, and the employment of twelve in addition, to be built by private individuals, in the mail service, were passed at this session.

At this session, also, an act was passed entitled "an act to provide for continuing a certain public work in the Territory of Wisconsin, and other purposes." This bill was the same, substantially, with that vetoed by the President at the previous session. It was adopted in the House by a vote of 89 to 72, and passed the Senate on the last day of the session. Not having time to examine with sufficient care the details of the bill, or to prepare a

* See the Appendix.

statement of his objections, the President retained it in his hands until after the adjournment of Congress, wherefore it did not become a law. At an early day in the ensuing session, however, he sent a special message to the House setting forth his reasons for retaining the bill, and his objections to its passage, which were similar to those stated in the Harbor and River Veto, but more elaborately considered, and more fully expressed.*

In June, 1847, Mr. Polk, accompanied by Mr. Mason,† attended the commencement ceremonies of his Alma Mater, and shortly thereafter he made a tour through the middle and eastern states, extending his journey as far as Portland, in the state of Maine. In every town and city through which he passed, he was welcomed in an appropriate manner,—such as became the high office which he held by the suffrages of his countrymen, and such as became the freemen, of all parties and creeds, who assembled to do him honor.

The elections for members of the thirtieth Congress, resulted unfavorably to the administration, mainly on account of local dissensions in the democratic party in the state of New York. In the House of Representatives, the whigs secured a small majority. This Congress convened for its first session on the 6th of Decem-

* See the Appendix.

† Mr. Mason was now the Secretary of the Navy, he having been transferred to that office on the appointment of Mr. Bancroft as minister to England. Nathan Clifford, of Maine, was appointed attorney-general in the place of Mr. Mason. In the winter of 1848, Mr. Clifford was appointed minister to Mexico, and Isaac Toucey, of Connecticut, was made attorney-general. These were the only changes that took place in Mr. Polk's cabinet.

ber, 1847, and did not adjourn till the 14th of August, 1848. Robert C. Winthrop, of Massachusetts, was supported by the whig members for the office of speaker, and was elected on the third ballot, by five majority over Linn Boyd, of Kentucky, and other democratic candidates. The president's message was delivered to the two houses on the 7th instant. Like all his state papers, it was an able document. Topics connected with the war occupied a prominent place in it, and he repeated his recommendation of the former year in regard to the manner in which offensive measures should be prosecuted. It had been suggested in many quarters, that it would be advisable to withdraw the American troops to a defensive line, which should be occupied and held until Mexico sued for peace.

Mr. Polk was utterly opposed to this course, and approved of a decidedly active policy. "With the views I entertain," said he, "I cannot favor the policy which has been suggested, either to withdraw our army altogether, or to retire to a designated line, and simply hold and defend it. To withdraw our army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasure, in a just war on our part, and one which, by the act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world. To retire to a line, and simply hold and defend it, would not terminate the war. On the contrary, it would encourage Mexico to persevere, and tend to protract it indefinitely.

"It is not to be expected that Mexico, after refusing to

establish such a line as a permanent boundary, when our victorious army are in possession of her capital, and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line, or at what time, he might make an assault.

"He may assemble and organize an overwhelming force in the interior, on his own side of the line, and, concealing his purpose, make a sudden assault upon some one of our posts so distant from any other as to prevent the possibility of timely succor or reinforcements; and in this way our gallant army would be exposed to the danger of being cut off in detail; or if, by their unequalled

bravery and prowess, everywhere exhibited during this war, they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may reinforce himself at leisure, for another attack on the same or some other post. He may, too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harassing character of a mere defensive war on our part.

"If our forces, when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy and conquer him, this would be again to invade the enemy's country, after having lost all the advantages of the conquests we have already made, by having voluntarily abandoned them. To hold such a line successfully and in security, it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made, and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy. I am persuaded that the best means of vindicating the national honor and interest, and of bringing the war to an honorable close, will be to prosecute it with increased energy and power in the vital parts of the enemy's country. In my annual message to Congress of December

last, I declared that 'the war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much injured citizens, who hold pecuniary demands against Mexico.' Such, in my judgment, continues to be our true policy—indeed, the only policy which will probably secure a permanent peace.

"It has never been contemplated by me, as an object of the war, to make a permanent conquest of the republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and, under a good government adapted to her condition, be a free, independent, and prosperous republic. The United States were the first among the nations to recognize her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution, we seek not her overthrow as a nation; but, in vindicating our national honor, we seek to obtain redress for the wrongs she has done us, and indemnity for our just demands against her. We demand an honorable peace; and that peace must bring with it indemnity for the past, and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained. Whilst our armies have advanced from victory to victory, from the commencement of the

war, it has always been with the olive-branch of peace in their hands; and it has been in the power of Mexico, at every step, to arrest hostilities by accepting it."

The President again earnestly recommended the increase of the army. He advised that temporary territorial governments should be established in California and New Mexico, and that a permanent government should be provided for Oregon.

But few acts of general interest were passed. A great part of the session was taken up with the discussion of the war measures, which were rendered unnecessary by the conclusion of the treaty of peace. A loan of sixteen millions of dollars, however, was authorized. When the war bills were under consideration, a warm collateral debate sprung up in the House, upon the refusal to communicate to that body all the diplomatic correspondence with Mr. Slidell. The President thought the public interest required that the correspondence should not be made public, and he declined acceding to the request, in conformity to the example of Washington with respect to the Jay treaty in 1796, and that of John Quincy Adams in relation to the Panamá mission.*

In pursuance of the recommendation of the President, a bill providing a territorial government for Oregon was introduced at an early period of the session. In the House, the Wilmot Proviso was again brought forward, and attached to this bill, the supporters and advocates of that measure adhering to it with singular pertinacity, though so often defeated in the attainment of their object. The Senate for a long time refused to permit the passage

* Special Message of President Polk, January 12, 1848.

of the bill, with this provision forming part of it. At length a sufficient number of senators yielded to the necessity which, as Mr. Polk also thought, required that the territorial government should be organized without delay. The bill was then passed, with the Wilmot Proviso attached.

Mr. Polk did not regard this Proviso as a violation of the constitution, and he therefore affixed his name to the bill. But he was opposed to the Proviso, and agitation of the slavery question, and deeply lamented that sectional feelings and animosities should be so needlessly enkindled and aroused. In his message to the same Congress, at the succeeding session, he referred to this question, as efforts had been made at the session of 1847–8 to incorporate the Proviso in territorial bills for New Mexico and California by which they had been defeated, and expressed his views in clear and forcible terms. "It is our solemn duty," he said, "to provide, with the least practicable delay, for New Mexico and California, regularly organized territorial governments. The causes of the failure to do this at the last session, are well known, and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or to reject these advantages, by the agitation of a domestic question which is coëval with the existence of our government itself, and to endanger by internal strifes, geographical divisions, and heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated States; that Union which binds

us together as one people, and which for sixty years has been our shield and protection against every danger. In the eyes of the world and of posterity, how trivial and insignificant will be all our internal divisions and struggles compared with the preservation of this Union of the States in all its vigor and with all its countless blessings! No patriot would foment and excite geographical and sectional divisions. No lover of his country would deliberately calculate the value of the Union.

"Future generations would look in amazement upon such a course. Other nations at the present day would look upon it with astonishment; and such of them as desire to maintain and perpetuate thrones and monarchical or aristocratical principles, will view it with exultation and delight, because in it they will see the elements of faction, which they hope must ultimately overturn our system. Ours is the great example of a prosperous and free self-governed republic, commanding the admiration and the imitation of all the lovers of freedom throughout the world. How solemn, therefore, is the duty, how impressive the call upon us and upon all parts of our country, to cultivate a patriotic spirit of harmony, of good fellowship, of compromise and mutual concession, in the administration of the incomparable system of government formed by our fathers in the midst of almost insuperable difficulties, and transmitted to us with the injunction that we should enjoy its blessings and hand it down unimpaired to those who may come after us!

"In view of the high and responsible duties which we owe to ourselves and to mankind, I trust you may be able, at the present session, to approach the adjustment of the

only domestic question which seriously threatens, or probably ever can threaten, to disturb the harmony and successful operation of our system. The immensely valuable possessions of New Mexico and California are already inhabited by a considerable population. Attracted by their great fertility, their mineral wealth, their commercial advantages and the salubrity of the climate, emigrants from the older States, in great numbers, are already preparing to seek new homes in these inviting regions. Shall the dissimilarity of the domestic institutions in the different States prevent us from providing for them suitable governments? These institutions existed at the adoption of the constitution, but the obstacles which they interposed were overcome by that spirit of compromise which is now invoked. In a conflict of opinions or of interests, real or imaginary, between different sections of our country, neither can justly demand all which it might desire to obtain. Each, in the true spirit of our institutions, should concede something to the other.

"Our gallant forces in the Mexican war, by whose patriotism and unparalleled deeds of arms we obtained these possessions as an indemnity for our just demands against Mexico, were composed of citizens who belonged to no one State or section of the Union. They were men from slaveholding and non-slaveholding States, from the North and the South, from the East and the West. They were all companions in arms and fellow-citizens of the same common country, engaged in the same common cause. When prosecuting that war, they were brethren and friends, and shared alike with each other common toils, dangers and sufferings. Now, when their work is

ended, when peace is restored, and they return again to their homes, put off the habiliments of war, take their places in society, and resume their pursuits in civil life, surely a spirit of harmony and concession, and of equal regard for the rights of all and of all sections of the Union ought to prevail in providing governments for the acquired territories—the fruits of their common service. The whole people of the United States and of every State contributed to defray the expenses of that war, and it would not be just for any one section to exclude another from all participation in the acquired territory. This would not be in consonance with the just system of government which the framers of the constitution adopted.

"The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory, even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions, in much the larger portion of it, it is certain it could never exist; and in the remainder, the probabilities are it would not. But however this may be, the question, involving, as it does, a principle of equality of rights of the separate and several States, as equal co-partners in the confederacy, should not be disregarded.

"In organizing governments over these Territories, no duty imposed on Congress by the constitution requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, the people of the acquired Territories, when assembled

in convention to form State constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these Territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, north or south, slaveholding or non-slaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. Any and all the States possess this right, and Congress cannot deprive them of it. The people of Georgia might, if they chose, so alter their constitution as to abolish slavery within its limits; and the people of Vermont might so alter their constitution as to admit slavery within its limits. Both States would possess the right; though, as all know, it is not probable that either would exert it.

"It is fortunate for the peace and harmony of the Union that this question is in its nature temporary, and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union. From the tide of population now flowing into them, it is highly probable that this will soon occur. Considering the several States and the citizens of the several States as equals, and entitled to equal rights under the constitution, if this were an original question, it might well be insisted on that the principle of non-interference is the true doctrine, and that Congress could not, in the absence of any express grant of power, inter-

fere with their relative rights. Upon a great emergency, however, and under menacing dangers to the Union, the Missouri compromise line in respect to slavery was adopted. The same line was extended further west in the acquisition of Texas. After an acquiescence of nearly thirty years in the principle of compromise recognized and established by these acts, and to avoid the danger to the Union which might follow if it were now disregarded, I have heretofore expressed the opinion that that line of compromise should be extended on the parallel of thirty-six degrees thirty minutes from the western boundary of Texas, where it now terminates, to the Pacific Ocean. This is the middle ground of compromise, upon which the different sections of the Union may meet, as they have heretofore met. If this be done, it is confidently believed a large majority of the people of every section of the country, however widely their abstract opinions on the subject of slavery may differ, would cheerfully and patriotically acquiesce in it, and peace and harmony would again fill our borders.

"The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise, made necessary for the sake of preserving the harmony, and possibly the existence of the Union. It was upon these considerations that at the close of your last session, I gave my sanction to the principle of the Missouri compromise line, by approving and signing the bill to establish 'the Territorial government of Oregon.' From a sincere desire to preserve the harmony of the Union, and in deference for the acts of my predecessors, I felt constrained to yield my acquiescence to the extent

to which they had gone in compromising this delicate and dangerous question. But if Congress shall now reverse the decision by which the Missouri compromise was effected, and shall propose to extend the restriction over the whole territory, south as well as north of the parallel of thirty-six degrees thirty minutes, it will cease to be a compromise, and must be regarded as an original question. If Congress, instead of observing the course of non-interference, leaving the adoption of their own domestic institutions to the people who may inhabit these Territotories; or if, instead of extending the Missouri compromise line to the Pacific, shall prefer to submit the legal and constitutional questions which may arise to the decision of the judicial tribunals, as was proposed in a bill which passed the Senate at your last session, an adjustment may be effected in this mode. If the whole subject be referred to the judiciary, all parts of the Union should cheerfully acquiesce in the final decision of the tribunal created by the constitution for the settlement of all questions which may arise under the constitution, treaties, and laws of the United States. Congress is earnestly invoked, for the sake of the Union, its harmony, and our continued prosperity as a nation, to adjust at its present session this, the only dangerous question which lies in our path—if not in some one of the modes suggested, in some other which may be satisfactory."

The national democratic convention assembled at Baltimore, in May, 1848, to nominate a candidate to succeed Mr. Polk in the chair of state. In compliance with the determination expressed at the time of his acceptance of the presidential nomination in 1844, Mr. Polk declined

permitting his name to be again brought forward as a candidate, in an appropriate letter, addressed to a member of the convention from his own state.

WASHINGTON CITY, May 19, 1848.

DEAR SIR—From speculations which have appeared in some of the public journals, and from frequent inquiries which have been made of me, by many political friends, some of them delegates to the Democratic National Convention, which will assemble at Baltimore on the 22d instant, I am induced to suppose that it may be the desire of some of my friends to propose my renomination, as the candidate of the Democratic party, for the office of President of the United States. Should you ascertain that such is the intention of any of the delegates, I desire, through you, to communicate to the Convention that I am not a candidate for the nomination, and that any use of my name with that view, which may be contemplated, is without any agency or desire on my part.

The purpose declared in my letter of the 12th of June, 1844, in accepting the nomination tendered to me by the Democratic National Convention of that year, remains unchanged: and to relieve the Convention from any possible embarrassment which "the suggestion of my name might produce in making a free selection of a successor who may be best calculated to give effect to their will, and guard all the interests of our beloved country," I deem it proper to reiterate the sentiments contained in that letter. Since my election, I have often expressed the sincere desire, which I still feel, to retire to private life at the close of my present term.

I entertain the confident hope and belief that my democratic friends of the convention will unite in the harmonious nomination of some citizen to succeed me, who, if elected, will firmly maintain and carry out the great political principles introduced in the resolutions adopted by the Democratic National

Convention in 1844—principles which it has been the earnest endeavor and the constant aim of my administration to preserve and pursue—and upon the observance of which, in my opinion, mainly depend the prosperity and permanent welfare of our country.

If, on reviewing the history of my administration, and the remarkable events, foreign and domestic, which have attended it, it shall be the judgment of my countrymen that I have adhered to these principles and faithfully performed my duty, the measure of my ambition is full, and I am deeply compensated for all the labors, cares, and anxieties, which are inseparable from the high station which I have been called to fill.

I shall ever cherish sentiments of deep gratitude to my fellow-citizens for the confidence they reposed in me, in elevating me to the most distinguished and responsible public trust on earth.

It is scarcely necessary that I should add, that it will be no less my duty than it will be my sincere pleasure, as a citizen, to unite with my democratic friends in the support of the nominees of the convention, for the offices of President and Vice-President of the United States. With great respect, I am your obedient servant,

JAMES K. POLK.

To DR. J. G. M. RAMSEY.

There were two sets of delegates from the State of New York, claiming seats in the Convention. That body refused to decide between them, and admitted both delegations. Not content with this determination of the question, one of the delegations, who favored the incorporation of the Wilmot Proviso into the territorial bills, retired from the convention; they afterward united with a portion of the whigs, and the great body of the abolitionists, and nominated and supported Mr. Van Buren for President, and Charles F. Adams, of Massachusetts,

for Vice-President. This disaffection extended through most of the northern States, whereby the democratic party lost Pennsylvania and New York, but gained the State of Ohio. General Cass, the nominee of the Baltimore Convention, was defeated by the whig candidate, General Zachary Taylor, whose popularity, acquired by means of the very war which his supporters condemned, elevated him to the presidential chair, although the elections for members of Congress resulted in the choice of a majority unfriendly to his administration.

Congress assembled for the last time during the administration of Mr. Polk, on the 4th day of December, 1848. The most important subject then agitating the public mind, was that growing out of the Wilmot Proviso, and hence the opinions of Mr. Polk upon this subject, which have been before presented, were made known in his annual message. His vetoes, too, had been attacked, in some of the northern and western States, with great asperity, and an effort to amend the constitution, so as to deprive the executive of this power, was said to be in contemplation. He therefore availed himself of the occasion to defend and vindicate his course, and to express his views in opposition to the amendment of the constitution, in the following terms:—

"It is not doubted, that if this whole train of measures, [a high protective tariff, a national bank, etc.,] designed to take wealth from the many, and bestow it upon the few, were to prevail, the effect would be to change the entire character of the government. Only one danger remains. It is the seductions of that branch of the system, which consists in internal improvements, holding out, as it does, inducements to the people of

particular sections and localities to embark the government in them without stopping to calculate the inevitable consequences. This branch of the system is so intimately combined and linked with the others, that as surely as an effect is produced by an adequate cause, if it be resuscitated and revived, and firmly established, it requires no sagacity to foresee that it will necessarily and speedily draw after it the reëstablishment of a national bank, the revival of a protective tariff, the distribution of the land money, and not only the postponement to the distant future of the payment of the present national debt, but its annual increase.

I entertain the solemn conviction, that if the internal improvement branch of the "American system" be not firmly resisted at this time, the whole series of measures composing it will be speedily reëstablished, and the country be thrown back from its present high state of prosperity, which the existing policy has produced, and be destined again to witness all the evils, commercial revulsions, depression of prices, and pecuniary embarrassments, through which we have passed during the last twenty-five years.

To guard against consequences so ruinous, is an object of high national importance, involving in my judgment the continued prosperity of the country.

I have felt it to be an imperative obligation to withhold my constitutional sanction from two bills which had passed the two houses of Congress, involving the principle of the internal improvement branch of the "American system," and conflicting in their provisions with the views here expressed.

This power conferred upon the President by the constitution, I have on three occasions, during my administration of the executive department of the government, deemed it my duty to exercise; and on this last occasion of making to Congress an annual communication "of the state of the Union," it is not deemed inappropriate to review the principles and considerations which have governed my action. I deemed

this the more necessary, because, after the lapse of nearly sixty years since the adoption of the constitution, the propriety of the exercise of this undoubted constitutional power by the President, has for the first time been drawn seriously in question by a portion of my fellow-citizens.

The constitution provides that "every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States: if he approve he *shall* sign it, but if not, he *shall* return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it."

The preservation of the constitution from infraction is the President's highest duty. He is bound to discharge that duty, at whatever hazard of incurring the displeasure of those who may differ with him in opinion. He is bound to discharge it, as well by his obligations to the people who have clothed him with his exalted trust, as by his oath of office, which he may not disregard. Nor are the obligations of the President in any degree lessened by the prevalence of views different from his own in one or both houses of Congress. It is not alone hasty and inconsiderate legislation that he is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the constitution, or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. The President is bound to approve, or disapprove, every bill which passes Congress and is presented to him for his signature. The constitution makes this his duty, and he cannot escape it if he would. He has no election. In deciding upon any bill presented to him, he must exercise his own best judgment. If he cannot approve, the constitution commands him to return the bill to the House in which it originated, with his objections; and if he fail to do this within ten days, (Sunday excepted,) it shall become a law without

his signature. Right or wrong, he may be overruled by a vote of two-thirds of each House; and, in that event, the bill becomes a law without his sanction. If his objections be not thus overruled, the subject is only postponed, and is referred to the States and the people for their consideration and decision.

The President's power is negative merely, and not affirmative. He can enact no law. The only effect, therefore, of his withholding his approval of a bill passed by Congress, is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of agents who will carry out their wishes and instructions. Any attempt to coerce the President to yield his sanction to measures which he cannot approve, would be a violation of the spirit of the constitution, palpable and flagrant; and if successful, would break down the independence of the executive department, and make the President, elected by the people, and clothed by the constitution with power to defend their rights, the instrument of a majority of Congress. A surrender, on his part, of the power with which the constitution has invested his office, would effect a practical alteration of that instrument, without resorting to the prescribed process of amendment.

With the motives or considerations which may induce Congress to pass any bill, the President can have nothing to do. He must presume them to be as pure as his own, and look only to the practical effect of their measures when compared with the constitution or the public good.

But it has been urged by those who object to the exercise of this undoubted constitutional power, that it assails the representative principle and the capacity of the people to govern themselves; that there is greater safety in a numerous representative body than in the single Executive created by the constitution, and that the executive veto is a "one-man power," despotic in its character. To expose the fallacy of this

objection, it is only necessary to consider the frame and true character of our system. Ours is not a consolidated empire, but a confederated Union. The States, before the adoption of the constitution, were coördinate, coëqual, and separate independent sovereignties, and by its adoption they did not lose that character. They clothed the federal government with certain powers, and reserved all others, including their own sovereignty, to themselves. They guarded their own rights as States and the rights of the people, by the very limitations which they incorporated into the federal constitution, whereby the different departments of the general government were checks upon each other. That the majority should govern, is a general principle, controverted by none; but they must govern according to the constitution, and not according to an undefined and unrestrained discretion, whereby they may oppress the minority.

The people of the United States are not blind to the fact that they may be temporarily misled, and that their representatives, legislative and executive, may be mistaken or influenced in their action by improper motives. They have, therefore, interposed between themselves and the laws which may be passed by their public agents, various representations; such as assemblies, senates, and governors in their several States; a House of Representatives, a Senate, and a President of the United States. The people can by their own direct agency make no law; nor can the House of Representatives, immediately elected by them; nor can the Senate; nor can both together, without the concurrence of the President, or a vote of two-thirds of both houses.

Happily for themselves, the people, in framing our admirable system of government, were conscious of the infirmities of their representatives; and, in delegating to them the power of legislation, they have fenced them around with checks, to guard against the effects of hasty action, of error, of combination, and of possible corruption. Error, selfishness and faction

have often sought to rend asunder this web of checks, and subject the government to the control of fanatic and sinister influences; but these efforts have only satisfied the people of the wisdom of the checks which they have imposed, and of the necessity of preserving them unimpaired.

The true theory of our system is not to govern by the acts or decrees of any one set of representatives. The constitution interposes checks upon all branches of the government, in order to give time for error to be corrected and delusion to pass away; but if the people settle down into a firm conviction different from that of their representatives, they give effect to their opinions by changing their public servants. The checks which the people imposed on their public servants in the adoption of the constitution, are the best evidence of their capacity for self-government. They know that the men whom they elect to public stations are of like infirmities and passions with themselves, and not to be trusted without being restricted by coördinate authorities and constitutional limitations. Who that has witnessed the legislation of Congress for the last thirty years will say that he knows of no instance in which measures not demanded by the public good have been carried? Who will deny that in the State governments, by combinations of individuals and sections, in derogation of the general interest, banks have been chartered, systems of internal improvement adopted, and debts entailed upon the people, repressing their growth, and impairing their energies for years to come?

After so much experience, it cannot be said that absolute unchecked power is safe in the hands of any one set of representatives, or that the capacity of the people for self-government, which is admitted in its broadest extent, is a conclusive argument to prove the prudence, wisdom, and integrity of their representatives.

The people, by the constitution, have commanded the President, as much as they have commanded the legislative branch

of the government, to execute their will. They have said to him in the constitution, which they require he shall take a solemn oath to support, that if Congress pass any bill which he cannot approve, "he shall return it to the House in which it originated, with his objections." In withholding from it his approval and signature, he is executing the will of the people constitutionally expressed, as much as the Congress that passed it. No bill is presumed to be in accordance with the popular will until it shall have passed through all the branches of the government required by the constitution to make it a law. A bill which passes the House of Representatives may be rejected by the Senate; and so a bill passed by the Senate may be rejected by the House. In each case, the respective houses exercise the veto power on the other.

Congress, and each House of Congress, hold under the constitution a check upon the President, and he, by the power of the qualified veto, a check upon Congress. When the President recommends measures to Congress, he avows, in the most solemn form, his opinions, gives his voice in their favor, and pledges himself in advance to approve them if passed by Congress. If he acts without due consideration, or has been influenced by improper or corrupt motives—or if, from any other cause, Congress, or either House of Congress, shall differ with him in opinion, they exercise *their veto* upon his recommendations, and reject them; and there is no appeal from their decision, but to the people at the ballot-box. These are proper checks upon the Executive wisely interposed by the constitution. None will be found to object to them, or to wish them removed. It is equally important that the constitutional checks of the Executive upon the legislative branch should be preserved.

If it be said that the representatives in the popular branch of Congress are chosen directly by the people, it is answered, the people elect the President. If both houses represent the States and the people, so does the President. The President

represents in the executive department the whole people of the United States, as each member of the legislative department represents portions of them.

The doctrines of restriction upon legislative and executive power, while a well-settled public opinion is enabled within a reasonable time to accomplish its ends, has made our country what it is, and has opened to us a career of glory and happiness to which all other nations have been strangers.

In the exercise of the power of the veto, the President is responsible not only to an enlightened public opinion, but to the people of the whole Union, who elected him, as the representatives in the legislative branches, who differ with him in opinion, are responsible to the people of particular States, or districts, who compose their respective constituencies. To deny to the President the exercise of this power, would be to repeal that provision of the constitution which confers it upon him. To charge that its exercise unduly controls the legislative will, is to complain of the constitution itself.

If the presidential veto be objected to upon the ground that it checks and thwarts the public will, upon the same principle the equality of representation of the States in the Senate should be stricken out of the constitution. The vote of a Senator from Delaware has equal weight in deciding upon the most important measures with a vote of a Senator from New York; and yet the one represents a State containing, according to the existing apportionment of representatives in the House of Representatives, but one thirty-fourth part of the population of the other. By the constitutional composition of the Senate, a majority of that body from the smaller States represents less than one-fourth of the people of the Union. There are thirty States; and, under the existing apportionment of representatives, there are two hundred and thirty members in the House of Representatives. Sixteen of the smaller States are represented in that House by but fifty members; and yet the Senators from these States

constitute a majority of the Senate. So that the President may recommend a measure to Congress, and it may receive the sanction and approval of more than three-fourths of the House of Representatives, and of all the senators from the large States, containing more than three-fourths of the whole population of the United States; and yet the measure may be defeated by the votes of the Senators from the smaller States. None, it is presumed, can be found ready to change the organization of the Senate on this account, or to strike that body practically out of existence, by requiring that its action shall be conformed to the will of the more numerous branch.

Upon the same principle that the veto of the President should be practically abolished, the power of the Vice-President to give the casting vote upon an equal division of the Senate should be abolished also. The Vice-President exercises the veto power as effectually by rejecting a bill by his casting vote, as the President does by refusing to approve and sign it. This power has been exercised by the Vice-President in a few instances, the most important of which was the rejection of the bill to recharter the Bank of the United States in 1811. It may happen that a bill may be passed by a large majority of the House of Representatives, and may be supported by the senators from the larger States, and the Vice-President may reject it by giving his vote with the senators from the smaller States; and yet none, it is presumed, are prepared to deny to him the exercise of this power under the constitution.

But it is, in point of fact, untrue that an act passed by Congress is conclusive evidence that it is an emanation of the popular will. A majority of the whole number elected to each house of Congress constitutes a quorum, and a majority of that quorum is competent to pass laws. It might happen that a quorum of the House of Representatives, consisting of a single member more than half of the whole number elected

to that house, might pass a bill by a majority of a single vote, and in that case a fraction more than one-fourth of the people of the United States, would be represented by those who voted for it. It might happen that the same bill might be passed by a majority of one, of a quorum of a Senate, composed of senators from the fifteen smaller States, and a single senator from a sixteenth State, and if the senators voting for it happened to be from the eight of the smallest of these States, it would be passed by the votes of senators from States having but fourteen representatives in the House of Representatives, and containing less than one-sixteenth of the whole population of the United States. This extreme case is stated to illustrate the fact, that the mere passage of a bill by Congress is no conclusive evidence that those who passed it represent the majority of the people of the United States, or truly reflect their will. If such an extreme case is not likely to happen, cases that approximate it are of constant occurrence. It is believed that not a single law has been passed since the adoption of the constitution, upon which all the members elected to both houses have been present and voted. Many of the most important acts which have passed Congress have been carried by a close vote in thin houses. Many instances of this might be given. Indeed, our experience proves that many of the most important acts of Congress are postponed to the last days, and often the last hours of a session, when they are disposed of in haste, and by houses but little exceeding the number necessary to form a quorum.

Besides, in most of the States the members of the House of Representatives are chosen by pluralities, and not by majorities of all the voters in their respective districts; and it may happen that a majority of that House may be returned by a less aggregate vote of the people than that received by minority.

If the principle insisted on be sound, then the constitution should be so changed that no bill shall become a law unless

it is voted for by members representing in each House a majority of the whole people of the United States. We must re-model our whole system, strike down and abolish not only the salutary checks lodged in the executive branch, but must strike out and abolish those lodged in the Senate also, and thus practically invest the whole power of the government in a majority or a single assembly—a majority uncontrolled and absolute, and which may become despotic. To conform to this doctrine of the right of majorities to rule, independent of the checks and limitations of the constitution, we must revolutionize our whole system. We must destroy the constitutional compact by which the several States agreed to form a federal Union, and rush into consolidation, which must end in monarchy or despotism. No one advocates such a proposition; and yet the doctrine maintained, if carried out, must lead to this result.

One great object of the constitution in conferring upon the President a qualified negative upon the legislation of Congress, was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate, and the veto power of the President, are the constitutional guaranties which the smaller States have that their rights will be respected. Without these guaranties, all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power, and its exercise upon proper occasions demanding it, is of vital importance. They ratified the constitution, and entered into the Union, securing to themselves an equal representation with the larger States in the Senate; and they agreed to be bound by all laws passed by Congress upon the express condition, and none other, that they should be approved by the President, or passed, his objections to the contrary notwithstanding, by a vote of two-thirds of both Houses. Upon this condition they have a right to insist, as a part of the compact to which they gave their assent.

A bill might be passed by Congress against the will of the whole people of a particular State, and against the votes of its senators and all its representatives. However prejudicial it might be to the interest of such State, it would be bound by it if the President shall approve it, or it should be passed by a vote of two-thirds of both houses; but it has a right to demand that the President shall exercise his constitutional power, and arrest it, if his judgment is against it. If he surrender this power, or fail to exercise it in a case where he cannot approve, it would make his formal approval a mere mockery, and would be itself a violation of the constitution, and the dissenting State would become bound by a law which had not been passed according to the sanction of the constitution.

The objection to the exercise of the veto power is founded upon an idea respecting the popular will which, if carried out, would annihilate State sovereignty, and substitute for the present federal government a consolidation, directed by a supposed numerical majority. A revolution of the government would be silently effected, and the States would be subjected to laws to which they had never given their constitutional consent.

The Supreme Court of the United States is invested with the power to declare, and has declared, acts of Congress passed with the concurrence of the Senate, the House of Representatives, and the approval of the President, to be unconstitutional and void, and yet none, it is presumed, can be found, who will be disposed to strip this highest judicial tribunal under the constitution of this acknowledged power—a power necessary alike to its independence and the rights of individuals.

For the same reason that the Executive veto should, according to the doctrine maintained, be rendered nugatory and be practically expunged from the constitution, this power of the court should also be rendered nugatory and be expunged, because it restrains the legislative and executive will, and be-

cause the exercise of such a power by the court may be regarded as being in conflict with the capacity of the people to govern themselves. Indeed, there is more reason for striking this power of the court from the constitution than there is that of the qualified veto of the President; because the decision of the court is final, and can never be reversed, even though both houses of Congress and the President should be unanimous in opposition to it; whereas the veto of the President may be overruled by a vote of two-thirds of both houses of Congress, or by the people at the polls.

It is obvious that to preserve the system established by the constitution, each of the coördinate branches of the government—the executive, legislative, and judicial—must be left in the exercise of its appropriate powers. If the executive of the judicial branch be deprived of powers conferred upon either as checks on the legislative, the preponderance of the latter will become disproportionate and absorbing, and the others impotent for the accomplishment of the great objects for which they were established. Organized as they are by the constitution, they work together harmoniously for the public good. If the executive and the judiciary shall be deprived of the constitutional powers invested in them, and of their due proportions, the equilibrium of the system must be destroyed, and consolidation, with the most pernicious results, must ensue—a consolidation of unchecked, despotic power exercised by majorities of the legislative branch.

The executive, legislative, and judicial, each constitutes a separate coördinate department of the government, and each is independent of the others. In the performance of their respective duties under the constitution, neither can, in its legitimate action, control the others. They each act upon their several responsibilities in their respective spheres; but if the doctrines now maintained be correct, the executive must become practically subordinate to the legislative, and the judiciary must become subordinate to both the legislative and

the executive; and thus the whole power of the government would be merged in a single department. Whenever, if ever, this shall occur, our glorious system of well-regulated self-government will crumble into ruins — to be succeeded first by anarchy, and finally by monarchy or despotism. I am far from believing that this doctrine is the sentiment of the American people; and during the short period which remains in which it will be my duty to administer the executive department, it will be my aim to maintain its independence, and discharge its duties, without infringing upon the powers or duties of either of the other departments of the government.

The power of the executive veto was exercised by the first and most illustrious of my predecessors, and by four of his successors who preceded me in the administration of the government, and, it is believed, in no instance prejudicially to the public interests. It has never been, and there is but little danger that it ever can be abused. No President will ever desire, unnecessarily, to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty, which he cannot escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the constitution from infraction, or the public good may demand it, than that he will ever exercise it unnecessarily or wantonly.

During the period I have administered the executive department of the government, great and important questions of public policy, foreign and domestic, have arisen, upon which it was my duty to act. It may indeed be truly said that my administration has fallen upon eventful times. I have felt most sensibly the weight of the high responsibilities devolved upon me. With no other object than the public good, the enduring fame, and permanent prosperity of my country, I have pursued the convictions of my own best

judgment. The impartial arbitrament of enlightened public opinion, present and future, will determine how far the public policy I have maintained, and the measures I have from time to time recommended, may have intended to advance or retard the public prosperity at home, and to elevate or depress the estimate of our national character abroad.

Invoking the blessings of the Almighty upon your deliberations at your present important session, my ardent hope is, that, in a spirit of harmony and concord, you may be guided to wise results, and such as may redound to the happiness, the honor, and the glory of our beloved country."

No matters of legislation of general and permanent importance were definitely acted on at this session. The discussion of various territorial bills for New Mexico and California occupied nearly the whole time, but in consequence of the continued agitation of the slavery question, none were passed. The adjournment took place on the third day of March, 1849, and on the 5th instant—the 4th happening on Sunday—General Taylor was duly inaugurated as the successor of Mr. Polk. The latter took part in the ceremonies, and rode beside General Taylor in the carriage that conveyed them to the capitol. He was, also, one of the first to congratulate him at the close of his inaugural address, rejoicing, meanwhile, that he was himself relieved from the cares and anxieties of public life. In the afternoon of the 5th inst, Mr. and Mrs. Polk took leave of their friends—many words of mingled regret and endearment being uttered on both sides—and in the evening commenced their return journey to their home in Tennessee, by way of Richmond, Charleston, and New Orleans.

Thus ended the administration of Mr. Polk. To say that it was an able one, would be but feeble praise. It was more important than any which had intervened between it and the administration of Mr. Madison. It was full of great events. The settlement of the Oregon Question, the war with Mexico, and the acquisition of California, will cause it to be long remembered. Ages hence, if the God of nations shall continue to smile upon our favored land, the dweller on the banks of the Mississippi, as he gazes on the mighty current that laves his feet, and beholds it reaching forth, like a giant, its hundred arms, and gathering the produce of that noble valley into its bosom, will bless the name of THOMAS JEFFERSON. So, too, the citizen of California or Oregon, when he sees their harbors filled with stately argosies, richly-freighted with golden sands, or with the silks and spices of the Old World, will offer his tribute, dictated by a grateful heart, to the memory of JAMES K. POLK.

At home, his administration was well conducted. Though the war with Mexico was actively prosecuted for a period of nearly two years, the national debt was not largely or oppressively increased, and the pecuniary credit of the government was at all times maintained; more than double the premiums realized in the war of 1812, being procured for stock and treasury notes. Commerce, agriculture, and every art and occupation of industry, flourished during this period; happiness and prosperity dwelt in every habitation. In the management of our foreign relations, ability, skill, and prudence, were displayed. Our rights were respected; our honor defended; and our national character elevated still higher in the estimation of foreign governments and their people.

CHAPTER XI.

Return to Tennessee—Speech at Richmond—Arrival Home—Prospects for the Future—Vanity of Human Hopes and Expectations—His Death—Funeral Honors—Personal Appearance and Character—Conclusion.

If Mr. Polk was gratified with the enthusiastic demonstrations of regard that attended him on his journey to Washington in the spring of 1845, to enter upon the duties of his administration,—he was far more sincerely pleased, with the kindly greetings that everywhere welcomed him as he returned to his home in Tennessee. The one might have been selfish, for he had then office and patronage to bestow; but the other was the genuine homage of the heart; a voluntary offering to the man, and not to the President.

At Richmond, he was complimented with a public reception by the citizens, and the Legislature of Virginia, which was then in session. In reply to an eloquent address from the Speaker of the House of Delegates, the ex-President returned his hearty thanks for the high honor accorded to him by the legislature of a State for which he cherished the most profound veneration, and from whose political apostles he had imbibed his appreciation of the great principles of constitutional liberty. He was, he said, taken by surprise at the manner of his reception; and to be thus received, when he had just laid

down power, and was no longer clothed with the patronage of the government, filled him with gratitude. He felt proud, too, that he was "no more a servant of the people, but had become a sovereign." He spoke, also, of the greatness of the country, and of the value and importance of the Union. "Preserve this union," he declared, "and the march of our country in prosperity and greatness will be rapid beyond comparison, and her ripened glory will surpass that of ancient Rome, the mistress of the world."

At Wilmington, North Carolina, the people of his native state came together in crowds, to welcome him. Extensive preparations had been made for his reception, and in replying to the orator who addressed him, he said: "You remark truly, sir, that I still cherish affection for my native state. I receive its welcome as the blessing of an honored parent. North Carolina can boast of glorious reminiscences, and is entitled to rank with, or far above, many who make greater pretensions. It was from her—her counties of Mecklenburg, New Hanover, and Bladen, that the news of treason in the colonies first went to the ears of the British monarch, and here was the spirit of independence first aroused."

At Charleston, Savannah, and New Orleans—at every place where he paused upon his route—welcomes and congratulations were liberally showered upon his head; and prayers and blessings innumerable attended him, like ministering angels, to the home from which he had gone forth in early manhood to carve out his destiny, and to which he now returned, with the harvest of fame he had gathered.

Previous to his return to Tennessee, Mr. Polk had purchased the mansion and grounds formerly belonging to his friend and preceptor, Mr. Grundy, and situate in the heart of the city of Nashville. Here, surrounded by the comforts and conveniences which an ample fortune enabled him to procure,—in the sweet companionship of his wife, of books, and of the friends whom he loved and esteemed,—he determined to pass the remainder of his days in ease and retirement, fulfilling his duty to himself and to the world, but not entering again into public life. He had discovered, from his own experience, that an "aching heart was the price of a diadem," and he longed to enjoy the quiet and tranquillity which seemed to woo him with their smiles. His constitution appeared to be unimpaired; a life of strict temperance, approaching to abstemiousness, seemed to promise a continuance of health for many years; and nearly one-third of man's allotted pilgrimage was yet before him.

But the hopes and expectations of man are like the mists of the morning,—as empty and as fleeting. No rank or station—no honor or reputation—no talents or advantages—can protect him from his destiny.

> "The statesman's fame
> Will fade, the conqueror's laurel crown grow sear;
> Fame's loudest trump, upon the ear of Time
> Leaves but a dying echo."

The year 1849 will not be soon forgotten in the valley of the Mississippi; but the fearful ravages of the Asiatic cholera, which it witnessed, will be long remembered in sorrow and pain. On his way up the Mississippi from New Orleans, in the month of March, Mr. Polk had suf-

fered considerably from diarrhœa; but the use of medicine, and a proper attention to regimen, checked the attack, and it seemed entirely to pass off, leaving him in apparent good health. He was somewhat enervated, however, by the fatigue consequent upon his journey, and the acknowledgment of the kind civilities extended to him; and when he arrived at Nashville, his whole system was enfeebled.

"Having taken up his abode here," says one of his friends and neighbors, "he gave himself up to the improvement of his grounds, and was seen every day about his dwelling, aiding and directing the workmen he had employed; now overlooking a carpenter, now giving instructions to a gardener, often attended by Mrs. Polk, whose exquisite taste constituted the element of every improvement. It is not a fortnight since I saw him on his lawn, directing some men who were removing decaying cedars. I was struck with his erect and healthful bearing, and the active energy of his manner, which gave promise of long life. His flowing gray locks alone made him appear beyond the middle-age of life. He seemed in full health. The next day being rainy, he remained within, and began to arrange his large library; and the labor of reaching books from the floor and placing them on the shelves, brought on fatigue and slight fever, which the next day assumed the character of disease in the form of chronic diarrhœa, which was with him a complaint of many years' standing, and readily induced upon his system by any over-exertion.

"For the first three days, his friends felt no alarm. But the disease baffling the skill of his physicians, Dr.

Hay, his brother-in-law, and family physician for twenty years, was sent for from Columbia. But the skill and experience of this gentleman, aided by the highest medical talent, proved of no avail. Mr. Polk continued gradually to sink from day to day. The disease was checked upon him four days before his death, but his constitution was so weakened, that there did not remain recuperative energy enough in the system for healthy reäction. He sunk away so slowly and insensibly, that the heavy death respirations commenced eight hours before he died. He died without a struggle, simply ceasing to breathe, as when deep and quiet sleep falls upon a weary man. About half an hour preceding his death, his venerable mother entered the room, and kneeling by his bedside, offered up a beautiful prayer to the 'king of kings and lord of lords,' committing the soul of her son to his holy keeping."

Others beside that pious mother watched for the departing of the spirit. The wife and the brother were there overcome with grief. But he had already taken leave of those who were so dear, and, like Russell, he could say, "the bitterness of death was passed."

The death of Mr. Polk occurred on the 15th day of June, 1849, and in the 54th year of his age. The funeral ceremonies took place on the following day; all business was suspended in Nashville; and the cortége that accompanied his remains to their final resting place, was composed of almost the entire population of the city and the adjacent country. He was dressed in a plain suit of black, and a copy of the constitution of the United States, which had ever been the guide of his counsels, was

placed at his feet. Upon the plate of his coffin was a simple inscription, embracing his name, and the date of his birth and of his decease.

When the death of Mr. Polk was announced at Washington, suitable honors were directed to be paid to his memory by all the departments of the government, and by the army and navy. Similar manifestations of sorrow and respect were witnessed in every quarter of the Union.

Mr. Polk had no children. He had, however, adopted a son of his brother Marshall, to whom and to Mrs. Polk, the greater part of his property was bequeathed.

In stature Mr. Polk was but little above the average height, and his form was spare. His forehead was high, broad, and full, and he had clear expressive eyes. His look was ordinarily calm and thoughtful, but the serious cast of his peculiar countenance, which at times appeared almost repulsive, was easily lighted up by the pleasant smile that indicated the warmth of his heart.

He was simple and plain in all his habits. His private life was upright and blameless. Honesty and integrity characterized his intercourse with his fellow-men; fidelity and affection his relations to his family. In his friendships he was frank and sincere; and courteous and affable in his disposition. He was generous and benevolent; but his charities, like his character, were unostentatious. He was pious, too, sincerely and truly; his wife was a member of the Presbyterian church, but he never united with any denomination, though on his dying bed he received the rite of baptism at the hands of a Methodist clergymen, an old neighbor and friend. Yet,

he made no loud professions of his sentiments. "Religion is the very best possession in the world, and the last to be spoken of. It should dwell quietly in the heart, and rule the life; not be hawked about as a commodity; nor scoured up like a rusty buckler for protection; nor be worn over the shoulders like a blanket for defence."*

As a statesman, he was firm in the maintenance of his opinions, but not stubborn or self-willed. He possessed moral courage in an eminent degree, and practical good sense. "He was the master of himself and of his emotions." He was cautious and circumspect, prudent and sagacious. Not inclined to sudden innovations, he nevertheless kept pace with the progressive tendency of the age, and sought, so far as lay in his power, to regulate and control it aright. His mind was clear and comprehensive, and well-balanced and well-disciplined; the measures which he recommended, therefore, were practical, and not visionary. He was a Jeffersonian democrat, in practice and in principle. He belonged to the strict construction school. He was devotedly attached to the federal constitution, and in favor of a literal adherence to its provisions, at all times and under all circumstances; for, as it seemed to him, the spirit would not long remain, when the plain letter was disregarded.

His style as a writer was clear and correct, possessing neither redundancy nor ornament, but he was sometimes inclined to become diffuse, on account of the copiousness of his ideas. His manner as a speaker accorded with the character of his audience. On the stump, or in addressing a popular assembly, he was impassioned and en-

* Bancroft.

thusiastic, and every lineament of his face glowed with animation. But in addressing a deliberative body, his earnestness was tempered with gravity and dignity, and he won the attention, and captivated the minds, of those who listened to him,

> "With an eloquence,—not like those rills from a height,
> Which sparkle, and foam, and in vapor are o'er;
> But a current that works out its way into light,
> Through the filtering recesses of thought and of lore."

In a word, he was "an upright and virtuous citizen, whose life, from the cradle to the days of opening manhood, from manhood to the close of his earthly career, had been constantly marked with the amiable and unostentatious display of all those moral graces which secure repose and happiness to the social circle;"* and in his public capacity, he illustrated the sentiment of the Roman historian, "*Par negotiis, neque supra,*"†—he was equal to his duty, and not above it!

There is a moral presented in the life and character of JAMES K. POLK, which should not be passed over. Born of humble but respectable parents, and favored by no adventitious circumstances, he raised himself by the force of his own merit, by his talents, his industry, energy, and perseverance, to the highest station in the land. And this was no idle achievement. It was something of which he might justly have been proud; and others might take pride in imitating his example.

HOPE and AMBITION—the Castor and Pollux, twin-sharers of immortality—these are the household gods

* Eulogy of Hon. H. S. Foote. † Tacitus, Annal. vi. 39.

which the young man should cherish on his hearth-stone.

As in the beautiful Scandinavian myth, three weird sisters preserve the Ash tree from perishing, so they must sustain and support him. The PAST is his for *example*—the PRESENT is his for *profit*—and the FUTURE may be his for *reward!*

APPENDIX.

SPECIAL MESSAGE

ON

INTERNAL IMPROVEMENTS,

DECEMBER 15th, 1847.

To the House of Representatives:

On the last day of the last session of Congress, a bill, entitled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both Houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the House of Representatives, in which it originated. For this reason the bill was retained, and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of six thousand dollars to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the States of the Union.

At the preceding session of Congress it became my duty to return, with my objections, to the House in which it originated, a bill making similar appropriations, and involving like principles, and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to "a speedy and successful termination" had made appropriations exceeding our ordinary revenues To meet

the emergency, and provide for the expenses of the Government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world. It is to be apprehended, that, by entering upon such a career at this moment, confidence, at home and abroad, in the wisdom and prudence of the Government, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms, in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the Treasury would have been made at each succeeding session of Congress, for the improvement of numerous other harbors, bays, inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded two hundred millions of dollars. In this alarming crisis President Jackson refused to approve and sign the Maysville Road bill, the Wabash River bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the National Treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt, and to present to an admiring world the unprecedented spectacle in modern times of a nation free from debt, and advancing to greatness with unequalled strides, under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropria-

tion for a road or canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements, is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the States systems of internal improvements have been projected, consisting of roads and canals, many of which, taken separately, were not of sufficient public importance to justify a tax on the entire population of the State to effect their construction; and yet, by a combination of local interests, operating on a majority of the Legislature, the whole has been authorized, and the States plunged into heavy debts. To an extent so ruinous has this system of legislation been carried in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their Legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States, where the systems of taxation are direct, and representatives responsible at short periods to small masses of constituents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are raised by indirect taxation, and whose functionaries are responsible to the people in larger masses and for longer terms?

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast, from the river St. Croix to the Rio Grande, and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this Republic, and the objects of improvement it will embrace, as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

Already our Confederacy consists of twenty-nine States. Other States may at no distant period be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west, and seven degrees of latitude from south to north. By the admission of Texas into the Union we have recently added many hundreds of miles to our sea-coast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have involved their Governments in debts and bankruptcy; and when the system prevailed in the General Government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the objects. We should be blind to the experience of the past if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade, but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own private advantage.

What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream bearing the name of river which is to be found in any State in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville Road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the

Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value and they themselves be enriched by the large expenditures which they were promised by the advocates of the system should be made from the Federal Treasury in their neighborhood. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head and make them navigable to their sources can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more so that it will admit ships of heavy burden; and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand-bars in the beds of its rivers, and may it not excavate a canal round its water-falls or across its lands for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I cannot perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government? There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which Nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods by spending within it the moneys of the nation, will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of

the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several States and sections of the Union. There is no equality among them in the objects of expenditure, and, if the funds were distributed according to the merits of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the Treasury; and the member of Congress who could procure the largest appropriations to be expended in his district would claim the rewards of victory from his enriched constituents. The necessary consequence would be, sectional discontents and heartburnings, increased taxation, and a national debt, never to be extinguished.

In view of these portentous consequences, I cannot but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact that the constitution itself indicates a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the General Government; just in its operation, and actually practised upon, without complaint or interruption, during more than thirty years from the organization of the present Government.

The constitution provides that "no State shall, without the consent of Congress, lay any duty of tonnage." With the "consent" of Congress such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the convention that framed the constitution. It appears, in Mr. Madison's report of the proceedings of that body, that one object of the reservation was, that the States should not be restricted from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that—

"The restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the Federal Councils. It is needless, therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calcuated at once to secure to the States a reasonable discretion in providing for the conveniency of their

imports and exports, and to the United States a reasonable check against the abuse of this discretion."

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power, because, before such duties can take effect, the "consent" of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the National Treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of Providence river, and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk river, for the improvement of the same, by "rendering the passage in and out of said river less difficult and dangerous."

On the 1st of April, 1805, the State of Pennsylvania passed a law

levying a tonnage duty on vessels, "to remove the obstructions to the navigation of the river Delaware, below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James river."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James river, from Warwick to Rockett's Landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, for "improving the navigation of Appomatox river, from Pocahontas bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nag's Head, and improving the navigation of said Sound, with its branches;" and in November, 1828, an amendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of "building a marine hospital in the vicinity of Charleston;" and on the 17th of December, 1816, another law was passed by the Legislature of that State for the "maintenance of a marine hospital."

On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of "clearing" the Savannah river of "wrecks and other obstructions" to the navigation.

On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of the fees of the harbor-master and health officer of the ports of Savannah and St. Mary's."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

Congress has passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790, and the last in 1843. By the latter act the "consent" of Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and

continuing it in force until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the Legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both Governments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city; but if an appropriation be made from the National Treasury for the improvement of the harbor of Boston, it must be paid in part out of taxes levied on the commerce of Baltimore. The result is, that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and, in addition, contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which cannot but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether, and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective Legislatures may think proper to propose and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be levied by the State was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the constitution, not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such purposes, the expenditures will be unequal and unjust. The money in the Federal Treasury is paid by a tax on the whole people of the United States, and if applied to the purposes of improving harbors and rivers, it will be partially distributed, and be expended for the advantage of particular States, sections, or localities, at the expense of others.

By returning to the early and approved construction of the constitution, and to the practice under it, this inequality and injustice will be avoided, and, at the same time, all the really important improvements

be made, and, as our experience has proved, be better made, and at less cost, than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the Post Office establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the Treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the Government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made in 1820 and 1821 for surveys. An act was made on the 3d of March, 1823, authorizing the President to cause an "examination and survey to be made of the obstructions between the harbor of *Gloucester* and the harbor of *Squam*, in the State of Massachusetts," and of "the entrance of the harbor of the port of Presque Isle, in Pennsylvania," with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the Government went into operation under the present constitution. On the 30th April, 1824, an act was passed making an appropriation of thirty thousand dollars, and directing "surveys and estimates to be made of the routes of such roads and canals," as the President "may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the 26th May, 1824, an act was passed making appropriations for "deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania," and to "repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed."

President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed the opinion, that the constitution had not conferred upon Congress the power to "adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system by virtue of any or all of the enumerated grants of power in the constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion he avowed that "in the more early stage of the Government" he had entertained a different opinion. He avowed that his first opinion had

been, that, "as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers;" and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the Government," he gave up in 1822, and declared that—

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For any act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent."

But it is impossible to conceive on what principle the power of appropriating public money when in the Treasury can be construed to extend to objects for which the constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

Among other acts assuming the power, was one passed on the twentieth of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks, and for authorizing surveys to be made of certain bays, sounds, and rivers therein mentioned." By that act large appropriations were made, which were to be "applied under the direction of the President of the United States" to numerous improvements in ten of the States. This act, passed thirty-seven years after the organization of the present Government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that Administration many other appropriations

of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which the universal opinion of the framers of the constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the State Governments. Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid from the Treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents until arrested by the veto of President Jackson. His veto of the Maysville Road bill was followed up by his refusal to sign the "act making appropriations for building lighthouses, lightboats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "an act authorizing subscription for stock in the Louisville and Portland Canal Company?" "an act for the improvement of certain harbors and the navigation of certain rivers;" and finally "an act to improve the navigation of the Wabash river." In his objections to the act last named he says:

"The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committee on Internal Improvements bills containing appropriations for such objects, exclusive of those for the Cumberland Road, and for harbors and lighthouses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which have been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress, presented but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars."

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government, the sum asked for from the Treasury for various projects amounted to more than two hundred millions of dollars. President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There cannot be a just and equal distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the Government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States, that they did not even assume the power to erect lighthouses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the States, without their consent, for the purposes of internal improvement, and the eyes of eager millions were turned from the State Governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading is shown by the veto messages of President Jackson; and to what end it

is again tending is witnessed by the provisions of this bill and bills of similar character.

In the proceedings and debates of the General Convention which formed the constitution, and of the State Conventions which adopted it, nothing is found to countenance the idea that the one intended to propose, or the others to concede, such a grant of power to the General Government as the building up and maintaining of a system of internal improvements within the States necessarily implies. Whatever the General Government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the States, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the State in which it is situated. If it may deepen a harbor, it may by its own laws protect its agents and contractors from being driven from their work, even by the laws and authorities of the State. The power to make a road or canal, or to dig up the bottom of a harbor or river, implies a right in the soil of the State, and a jurisdiction over it, for which it would be impossible to find any warrant.

The States were particularly jealous of conceding to the General Government any right of jurisdiction over their soil, and in the constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the States in which the same shall be for the erection of forts, magazines, dock-yards, and other needful buildings." That the United States should be prohibited from purchasing lands within the States, without their consent, even for the most essential purposes of national defence, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

A proposition was made in the Convention to provide for the appointment of a "Secretary of Domestic Affairs," and make it his duty, among other things, "to attend to the opening of roads and navigation, and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion a proposition was made to confer on Congress the power to "provide for the cutting of canals when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut."

During the consideration of this proposition a motion was made to enlarge the proposed power "for cutting canals" into a power "to

grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual States may be incompetent;" and the reason assigned by Mr. Madison for the proposed enlargement of the power was, that it would "secure an easy communication between the States which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the Convention, who afterwards participated in the organization and administration of the Government, advocated and practised upon a very liberal construction of the constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict construction class the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the constitution, with a view to apply an anticipated surplus in the Treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper to add to the constitutional enumeration of the federal powers;" and he adds: "I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares that "the power to regulate commerce among the several States cannot include a power to construct roads and canals, and to *improve the navigation of water-courses*, in order to facilitate, promote, and secure such commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress."

President Monroe, in a message to the House of Representatives of

the 4th of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:

"Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the only power granted.

"If we recur to the causes which produced the adoption of this constitution, we shall find that injuries resulting from the regulation of trade by the States respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States: and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the constitution.

"Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The States were brought together by the constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the constitution. As early as the year 1781 Congress recommended it to the States to vest in the United

States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report the convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 5, 6, and 7, leading step by step to the adoption of the constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight."

Such is a brief history of the origin, progress, and consequences of a system which for more than thirty years after the adoption of the constitution was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the constitution and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash River bill, declares that "to inherent embarrassments have been added others, from the course of our legislation concerning it." In his vetoes on the Maysville Road bill, the Rockville Road bill, the Wabash River bill, and other bills of like character, he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the constitution. Its advocates have differed among themselves as to the source from which it

is derived as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the constitution is, "Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes." That "to regulate commerce" does not mean to make a road, or dig a canal, or clear out a river, or deepen a harbor, would seem to be obvious to the common understanding. To "regulate" admits or affirms the pre-existence of the thing to be regulated. In this case it presupposes the existence of commerce, and of course the means by which, and the channels through which, commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation, and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals, and all the means of transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties, defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improvement which can

facilitate or create trade and intercourse "with foreign nations, among the several States, and with the Indian tribes."

Should any great object of improvement exist in our widely-extended country, which cannot be effected by means of tonnage duties, levied by the States, with the concurrence of Congress, it is safer and wiser to apply to the States, in the mode prescribed by the constitution, for an amendment of that instrument, whereby the powers of the Genera Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and, in either case, their decision should be final. In the mean time, I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the constitution.

SECOND ANNUAL MESSAGE.

DECEMBER 8th, 1846.

Fellow-Citizens of the Senate and of the House of Representatives:

In resuming your labors in the service of the people, it is a subject of congratulation that there has been no period in our past history, when all the elements of national prosperity have been so fully developed. Since your last session, no afflicting dispensation has visited our country; general good health has prevailed; abundance has crowned the toil of the husbandman; and labor in all its branches is receiving an ample reward, while education, science, and the arts are rapidly enlarging the means of social happiness. The progress of our country in her career of greatness, not only in the vast extension of our territorial limits, and the rapid increase of our population, but in resources and wealth, and in the happy condition of our people, is without example in the history of nations.

As the wisdom, strength, and beneficence of our free institutions are unfolded, every day adds fresh motives to contentment, and fresh incentives to patriotism.

Our devout and sincere acknowledgments are due to the gracious Giver of all good, for the numberless blessings which our beloved country enjoys.

It is a source of high satisfaction to know that the relations of the United States with all other nations, with a single exception, are of the most amicable character. Sincerely attached to the policy of peace, early adopted and steadily pursued by this government, I have anxiously desired to cultivate and cherish friendship and commerce with every foreign power. The spirit and habits of the American people are favorable to the maintenance of such international harmony. In adhering to this wise policy, a preliminary and paramount duty obviously consists in the protection of our national interests from encroachment or sacrifice, and our national honor from reproach. These must be main-

tained at any hazard. They admit of no compromise or neglect, and must be scrupulously and constantly guarded. In their vigilant vindication, collision and conflict with foreign powers may sometimes become unavoidable. Such has been our scrupulous adherence to the dictates of justice, in all our foreign intercourse, that, though steadily and rapidly advancing in prosperity and power, we have given no just cause of complaint to any nation, and have enjoyed the blessings of peace for more than thirty years. From a policy so sacred to humanity, and so salutary in its effects upon our political system, we should never be induced voluntarily to depart.

The existing war with Mexico was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it. After years of endurance of aggravated and unredressed wrongs on our part, Mexico, in violation of solemn treaty stipulations, and of every principle of justice recognized by civilized nations, commenced hostilities; and thus, by her own act, forced the war upon us. Long before the advance of our army to the left bank of the Rio Grande, we had ample cause of war against Mexico; and had the United States resorted to this extremity, we might have appealed to the whole civilized world for the justice of our cause.

I deem it to be my duty to present to you, on the present occasion, a condensed review of the injuries we had sustained, of the causes which led to the war, and of its progress since its commencement. This is rendered the more necessary because of the misapprehensions which have to some extent prevailed, as to its origin and true character. The war has been represented as unjust and unnecessary, and as one of aggression on our part upon a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated, not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war, than to advocate and adhere to their cause, and thus give them "aid and comfort."

It is a source of national pride and exultation, that the great body of our people have thrown no such obstacles in the way of the government in prosecuting the war successfully, but have shown themselves to be eminently patriotic, and ready to vindicate their country's honor and interest at any sacrifice. The alacrity and promptness with which our volunteer forces rushed to the field on their country's call, prove not only their patriotism, but their deep conviction that our cause is just.

The wrongs which we have suffered from Mexico almost ever since she became an independent power, and the patient endurance with which we have borne them, are without a parallel in the history of

modern civilized nations. There is reason to believe that, if these wrongs had been resented and resisted in the first instance, the present war might have been avoided. One outrage, however, permitted to pass with impunity, almost necessarily encouraged the perpetration of another, until at last Mexico seemed to attribute to weakness and indecision, on our part, a forbearance which was the offspring of magnanimity, and of a sincere desire to preserve friendly relations with a sister republic.

Scarcely had Mexico achieved her independence, which the United States were the first among the nations to acknowledge, when she commenced the system of insult and spoliation, which she has ever since pursued. Our citizens engaged in lawful commerce were imprisoned, their vessels seized, and our flag insulted in her ports. If money was wanted, the lawless seizure and confiscation of our merchant vessels and their cargoes was a ready resource; and if, to accomplish their purposes, it became necessary to imprison the owners, captains, and crew, it was done. Rulers superseded rulers in Mexico in rapid succession, but still there was no change in this system of depredation. The Government of the United States made repeated reclamations on behalf of its citizens, but these were answered by the perpetration of new outrages. Promises of redress made by Mexico in the most solemn forms were postponed or evaded. The files and records of the Department of State contain conclusive proofs of numerous lawless acts perpetrated upon the property and persons of our citizens by Mexico, and of wanton insult to our national flag. The interposition of our Government to obtain redress was again and again invoked under circumstances which no nation ought to disregard.

It was hoped that these outrages would cease, and that Mexico would be restrained by the laws which regulate the conduct of civilized nations in their intercourse with each other after the treaty of amity, commerce, and navigation, of the 5th of April, 1831, was concluded between two republics; but this hope soon proved to be vain. The course of seizure and confiscation of the property of our citizens, the violation of their persons, and the insults to our flag, pursued by Mexico previous to that time, were scarcely suspended for even a brief period, although the treaty so clearly defines the rights and duties of the respective parties, that it is impossible to misunderstand or mistake them. In less than seven years after the conclusion of that treaty our grievances had become so intolerable, that, in the opinion of President Jackson, they should no longer be endured. In his Message to Congress in February, 1837, he presented them to the consideration of that body, and declared that "The length of time since some of the injuries had been committed, the repeated and unavailing applications

for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war." In a spirit of kindness and forbearance, however, he recommended reprisals as a milder mode of redress. He declared that war should not be used as a remedy "by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided;" and added, "It has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end, I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war upon the coast of Mexico."

Committees of both Houses of Congress, to which this Message of this President was referred, fully sustained his views of the character of the wrongs which we had suffered from Mexico, and recommended that another demand for redress should be made before authorizing war or reprisals. The Committee on Foreign Relations of the Senate, in their report, say: "After such a demand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted toward a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress, at the commencement of the next session, in a clear and distinct form; and the Committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured citizens."

The Committee on Foreign Affairs of the House of Representatives made a similar recommendation. In their report, they say that "they fully concur with the President, that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are will-

ing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican Government, before any further proceedings are adopted."

No difference of opinion upon the subject is believed to have existed in Congress at that time; the Executive and Legislative departments concurred; and yet such has been our forbearance, and desire to preserve peace with Mexico, that the wrongs of which we then complained, and which gave rise to these solemn proceedings, not only remained unredressed to this day, but additional causes of complaint, of an aggravated character, have ever since been accumulating.

Shortly after these proceedings, a special messenger was despatched to Mexico, to make a final demand for redress; and on the twentieth of July, 1837, the demand was made. The reply of the Mexican Government bears date on the twenty-ninth of the same month, and contains assurances of the "anxious wish" of the Mexican Government "not to delay the moment of that final and equitable adjustment, which is to terminate the existing difficulties between the two governments;" that "nothing should be left undone, which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the American Government;" that the "Mexican Government would adopt, as the only guides for its conduct, the plainest principles of public right, the sacred obligations imposed by international law, and the religious faith of treaties;" and that "whatever reason and justice may dictate respecting each case will be done." The assurance was further given, that the decision of the Mexican Government upon each cause of complaint, for which redress had been demanded, should be communicated to the Government of the United States by the Mexican Minister at Washington.

These solemn assurances, in answer to our demand for redress, were disregarded. By making them, however, Mexico obtained further delay. President Van Buren, in his annual Message to Congress, of the 5th of December, 1837, states, that "although the larger number" of our demands for redress, and "many of them aggravated cases of personal wrongs, have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican Minister;" and that "for not one of our public complaints has satisfaction been given or offered; that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the

Mexican Government." President Van Buren, believing that it would be vain to make any further attempt to obtain redress, by the ordinary means within the power of the Executive, communicated this opinion to Congress, in the Message referred to, in which he said: "On a careful and deliberate examination of the contents," (of the correspondence with the Mexican Government,) "and considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress." Had the United States at that time adopted compulsory measures, and taken redress into their own hands, all our difficulties with Mexico would probably have been long since adjusted, and the existing war have been averted. Magnanimity and moderation on our part only had the effect to complicate these difficulties, and render an amicable settlement of them more embarrassing. That such measures of redress, under similar provocations, committed by any of the powerful nations of Europe, would have been promptly resorted to by the United States, cannot be doubted. The national honor, and the preservation of the national character throughout the world, as well as our own self-respect, and the protection due to our own citizens, would have rendered such a resort indispensable. The history of no civilized nation in modern times has presented within so brief a period so many wanton attacks upon the honor of its flag, and upon the property and persons of its citizens, as had at that time been borne by the United States from the Mexican authorities and people. But Mexico was a sister republic, on the North American continent, occupying a territory contiguous to our own, and was in a feeble and distracted condition; and these considerations, it is presumed, induced Congress to forbear still longer.

Instead of taking redress into our own hands, a new negotiation was entered upon, with fair promises on the part of Mexico, but with the real purpose, as the event has proved, of indefinitely postponing the reparation which we demanded, and which was so justly due. This negotiation, after more than a year's delay, resulted in the Convention of the eleventh of April, 1839, "for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic." The joint board of Commissioners created by this Convention, to examine and decide upon these claims, was not organized until the month of August, 1840, and under the terms of the Convention they were to terminate their duties within eighteen months from that time. Four of the eighteen months were consumed in preliminary discussions on frivolous and dilatory points raised by the Mexican Commissioners; and it was not until the month of December, 1840, that they commenced the examination of the claims of our citizens upon Mexico.

Fourteen months only remained to examine and decide upon these numerous and complicated cases. In the month of February, 1842, the term of the commission expired, leaving many claims undisposed of for want of time. The claims which were allowed by the board, and by the umpire authorized by the Convention to decide in case of disagreement between the Mexican and American Commissioners, amounted to two millions twenty-six thousand one hundred and thirty-nine dollars and thirty-eight cents. There were pending before the umpire, when the commission expired, additional claims which had been examined and awarded by the American Commissioners, and had not been allowed by the Mexican Commissioners, amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, upon which he did not decide, alleging that his authority had ceased with the termination of the joint commission. Besides these claims, there were others of American citizens, amounting to three million three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, which had been submitted to the board, and upon which they had not time to decide before their final adjournment.

The sum of two million twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, which had been awarded to the claimants, was a liquidated and ascertained debt due by Mexico, about which there could be no dispute, and which she was bound to pay according to the terms of the Convention. Soon after the final awards for this amount had been made, the Mexican Government asked for a postponement of the time of making payment, alleging that it would be inconvenient to make the payment at the time stipulated. In the spirit of forbearing kindness toward a sister republic, which Mexico has so long abused, the United States promptly complied with her request. A second convention was accordingly concluded between the two Governments, on the thirtieth of January, 1843, which, upon its face, declares that "this new arrangement is entered into for the accommodation of Mexico." By the terms of this Convention, all the interest due on the awards which had been made in favor of the claimants under the convention of the eleventh of April, 1839, was to be paid to them on the thirtieth of April, 1843, and "the principal of the said awards, and the interest accruing thereon," was stipulated to "be paid in five years, in equal instalments every three months." Notwithstanding this new convention was entered into at the request of Mexico, and for the purpose of relieving her from embarrassment, the claimants have only received the interest due on the thirtieth of April, 1843, and three of the twenty instalments. Although the payment of the sum thus liquidated, and confessedly due by Mexico to our citizens as

indemnity for acknowledged acts of outrage and wrong, was secured by treaty, the obligations of which are ever held sacred by all just nations, yet Mexico has violated this solemn engagement by failing and refusing to make the payment. The two installments due in April and July, 1844, under the peculiar circumstances connected with them, have been assumed by the United States and discharged to the claimants, but they are still due by Mexico. But this is not all of which we have just cause of complaint. To provide a remedy for the claimants whose cases were not decided by the joint commission under the convention of April the eleventh, 1839, it was expressly stipulated by the sixth article of the Convention of the thirtieth of January, 1843, that "a new convention shall be entered into for the settlement of all claims of the government and citizens of the United States against the republic of Mexico, which were not finally decided by the late commission, which met in the city of Washington, and of all claims of the government and citizens of Mexico against the United States."

In conformity with this stipulation, a third Convention was concluded and signed at the city of Mexico, on the twentieth of November, 1843, by the plenipotentiaries of the two Governments, by which provision was made for ascertaining and paying these claims. In January, 1844, this convention was ratified by the Senate of the United States with two amendments, which were manifestly reasonable in their character. Upon a reference of the amendments proposed to the Government of Mexico, the same evasions, difficulties, and delays were interposed, which have so long marked the policy of that Government toward the United States. It has not even yet decided whether it would or would not accede to them, although the subject has been repeatedly pressed upon its consideration.

Mexico has thus violated a second time the faith of treaties, by failing or refusing to carry into effect the sixth article of the Convention of January, 1843.

Such is the history of the wrongs which we have suffered and patiently endured from Mexico, through a long series of years. So far from affording reasonable satisfaction for the injuries and insults we had borne, a great aggravation of them consists in the fact, that while the United States, anxious to preserve a good understanding with Mexico, have been constantly, but vainly, employed in seeking redress for past wrongs, new outrages were constantly occurring, which have continued to increase our causes of complaint, and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico, under the guaranty of a treaty of "amity, commerce, and navigation," many of them have suffered all the injuries which would have resulted from open war. This

treaty, instead of affording protection to our citizens, has been the means of inviting them into the ports of Mexico, that they might be, as they have been in numerous instances, plundered of their property and deprived of their personal liberty, if they dared insist on their rights. Had the unlawful seizures of American property, and the violation of the personal liberty of our citizens, to say nothing of the insults to our flag which have occurred in the ports of Mexico, taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations, plunder our citizens of their property, and imprison their persons without affording them any redress, we have failed to perform one of the first and highest duties which every government owes to its citizens; and the consequence has been, that many of them have been reduced from a state of affluence to bankruptcy. The proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities. But even then we forbore to take redress into our own hands, until Mexico herself became the aggressor, by invading our soil in hostile array, and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet, animated by the love of peace, and a magnanimous moderation, we did not adopt those measures of redress which, under such circumstances, are the justified resort of injured nations.

The annexation of Texas to the United States constituted no just cause of offence to Mexico. The pretext that it did so is wholly inconsistent, and irreconcilable with well-authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest, it may be proper to advert to the causes and to the history of the principal events of that revolution.

Texas constituted a portion of the ancient province of Louisiana, ceded to the United States by France in the year 1803. In the year 1819, the United States, by the Florida treaty, ceded to Spain all that part of Louisiana within the present limits of Texas; and Mexico, by the revolution which separated her from Spain, and rendered her an independent nation, succeeded to the rights of the mother country over this territory. In the year 1824, Mexico established a federal constitution, under which the Mexican republic was composed of a number of sovereign States, confederated together in a federal union similar to our own. Each of these States had its own executive, legislature, and

judiciary, and, for all except federal purposes, was as independent of the general government, and that of the other states, as is Pennsylvania or Virginia under our constitution. Texas and Coaeuila united and formed one of these Mexican States. The state constitution which they adopted, and which was approved by the Mexican confederacy, asserted that they were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever;" and proclaimed the great principle of human liberty, that "the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it." To the government under this constitution, as well as to that under the federal constitution, the people of Texas owed allegiance.

Emigrants from foreign countries, including the United States, were invited by the colonization laws of the State and of the federal government, to settle in Texas. Advantageous terms were offered to induce them to leave their own country and become Mexican citizens. This invitation was accepted by many of our citizens, in the full faith that in their new home they would be governed by laws enacted by representatives elected by themselves, and that their lives, liberty, and property would be protected by constitutional guarantees similar to those which existed in the republic they had left. Under a government thus organized, they continued until the year 1835, when a military revolution broke out in the city of Mexico, which entirely subverted the federal and state constitutions, and placed a military dictator at the head of the government.

By a sweeping decree of a Congress subservient to the will of the dictator, the several state constitutions were abolished, and the States themselves converted into mere departments of the Central Government. The people of Texas were unwilling to submit to this usurpation. Resistance to such tyranny became a high duty. Texas was fully absolved from all allegiance to the Central Government of Mexico from the moment that government had abolished her state constitution, and in its place substituted an arbitrary and despotic Central Government.

Such were the principal causes of the Texan revolution. The people of Texas at once determined upon resistance, and flew to arms. In the midst of these important and exciting events, however, they did not omit to place their liberties upon a secure and permanent foundation. They elected members to a convention, who, in the month of March, 1836, issued a formal declaration that their "political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations." They also adopted for their government a

liberal republican constitution. About the same time, Santa Anna, then the dictator of Mexico, invaded Texas with a numerous army, for the purpose of subduing the people, and enforcing obedience to his arbitrary and despotic government. On the twenty-first of April, 1836, he was met by the Texan citizen soldiers, and on that day was achieved by them the memorable victory of San Jacinto, by which they conquered their independence. Considering the numbers engaged on the respective sides, history does not record a more brilliant achievement. Santa Anna himself was among the captives.

In the month of May, 1836, Santa Anna acknowledged, by a treaty with the Texan authorities, in the most solemn form, "the full, entire, and perfect independence of the republic of Texas." It is true he was then a prisoner of war, but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; that his authority had not been revoked, and that by virtue of this treaty he obtained his personal release. By it hostilities were suspended, and the army which had invaded Texas under his command returned in pursuance of this arrangement, unmolested, to Mexico.

From the day that the battle of San Jacinto was fought until the present hour, Mexico has never possessed the power to reconquer Texas. In the language of the Secretary of State of the United States, in a despatch to our minister in Mexico, under date of the eighth of July, 1842, "Mexico may have chosen to consider, and may still choose to consider Texas as having been at all times since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to re-establish her own authority over that territory, it cannot but be surprising to find Mr. de Bocanegra" (the Secretary of Foreign Affairs of Mexico) "complaining that for that whole period citizens of the United States, or its Government, have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the reduction of the province of Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad." In the same despatch the Secretary of State affirms that "since 1837 the United States have regarded Texas as an independent sovereignty, as much as Mexico; and that trade and commerce with citizens of a govern-

ment at war with Mexico cannot, on that account, be regarded as an intercourse by which assistance and succor are given to Mexican rebels. The whole current of Mr. de Bocanegra's remarks runs in the same direction, as if the independence of Texas had not been acknowledged. It has been acknowledged—it was acknowledged in 1837, against the remonstrance and protest of Mexico; and most of the acts, of any importance, of which Mr. de Bocanegra complains, flow necessarily from that recognition. He speaks of Texas as still being 'an integral part of the territory of the Mexican republic;' but he cannot but understand that the United States do not so regard it. The real complaint of Mexico, therefore, is, in substance, neither more nor less than a complaint against the recognition of Texan independence. It may be thought rather late to repeat that complaint, and not quite just to confine it to the United States, to the exemption of England, France, and Belgium, unless the United States, having been the first to acknowledge the independence of Mexico herself, are to be blamed for setting an example for the recognition of that of Texas." And he added, that "the constitution, public treaties, and the laws oblige the President to regard Texas as an independent State, and its territory as no part of the territory of Mexico." Texas had been an independent State, with an organized government, defying the power of Mexico to overthrow or reconquer her, for more than ten years before Mexico commenced the present war against the United States. Texas had given such evidence to the world of her ability to maintain her separate existence as an independent nation, that she had been formally recognized as such, not only by the United States but by several of the principal powers of Europe. These powers had entered into treaties of amity, commerce, and navigation with her. They had received and accredited her ministers and other diplomatic agents at their respective courts, and they had commissioned ministers and diplomatic agents on their part to the government of Texas. If Mexico, notwithstanding all this, and her utter inability to subdue or reconquer Texas, still stubbornly refused to recognize her as an independent nation, she was none the less so on that account. Mexico herself had been recognized as an independent nation by the United States, and by other powers, many years before Spain, of which, before her revolution, she had been a colony, would agree to recognize her as such, and yet Mexico was at that time, in the estimation of the civilized world, and in fact, none the less an independent power, because Spain still claimed her as a colony. If Spain had continued until the present period to assert that Mexico was one of her colonies, in rebellion against her, this would not have made her so, or changed the fact of her independent existence. Texas, at the period of her an-

nexation to the United States, bore the same relation to Mexico that Mexico had borne to Spain for many years before Spain acknowledged her independence, with this important difference—that, before the annexation of Texas to the United States was consummated, Mexico herself, by a formal act of her government, had acknowledged the independence of Texas as a nation. It is true, that in the act of recognition she prescribed a condition, which she had no power or authority to impose, that Texas should not annex herself to any other power: but this could not detract in any degree from the recognition which Mexico then made of her actual independence. Upon this plain statement of facts, it is absurd for Mexico to allege as a pretext for commencing hostilities against the United States, that Texas is still a part of her territory.

But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces, instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texan line, and invaded the territory of Mexico. A simple statement of facts, known to exist, will conclusively refute such an assumption. Texas, as ceded to the United States by France, in 1803, has been always claimed as extending west to the Rio Grande, or Rio Bravo. This fact is established by the authority of our most eminent statesmen at a period when the question was as well if not better understood than it is at present. During Mr. Jefferson's administration, Messrs. Monroe and Pinckney, who had been sent on a special mission to Madrid, charged, among other things, with the adjustment of boundary between the two countries, in a note addressed to the Spanish Minister of Foreign Affairs, under date of the twenty-eighth of January, 1805, assert that the boundaries of Louisiana, as ceded to the United States by France, "are the river Perdido on the east, and the river Bravo on the west;" and they add, that "the facts and principles which justify this conclusion are so satisfactory to our Government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory which is above described."

Down to the conclusion of the Florida treaty, in February, 1819, by which this territory was ceded to Spain, the United States asserted and maintained their territorial rights to this extent. In the month of June, 1818, during Mr. Monroe's administration, information having been received that a number of foreign adventurers had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, a special messenger was despatched by the Government of the United States, with instructions from the Secretary of State to warn them to

desist, should they be found there "or any other place north of the Rio Bravo, and within the territory claimed by the United States." He was instructed, should they be found in the country north of that river, to make known to them "the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction." He was instructed to call upon them to "avow under what national authority they profess to act," and to give them due warning "that the place is within the United States, who will suffer no permanent settlement to be made there, under any authority other than their own." As late as the eighth of July, 1842, the Secretary of State of the United States, in a note addressed to our minister in Mexico, maintains that, by the Florida treaty of 1819, the territory as far west as the Rio Grande was confirmed to Spain. In that note he states that, "by the treaty of the twenty-second of February, 1819, between the United States and Spain, the Sabine was adopted as the line of boundary between the two powers. Up to that period, no considerable colonization had been effected in Texas; but the territory between the Sabine and the Rio Grande being confirmed to Spain by the treaty, applications were made to that power for grants of land, and such grants, or permissions of settlement, were in fact made by the Spanish authorities in favor of citizens of the United States proposing to emigrate to Texas in numerous families, before the declaration of independence by Mexico."

The Texas which was ceded to Spain by the Florida treaty of 1819 embraced all the country now claimed by the State of Texas between the Nueces and the Rio Grande. The republic of Texas always claimed this river as her western boundary, and in her treaty made with Santa Anna, in May, 1836, he recognized it as such.

By the Constitution which Texas adopted in March, 1836, senatorial and representative districts were organized extending west of the Nueces. The Congress of Texas, on the nineteenth of December, 1836, passed an "Act to define the boundaries of the Republic of Texas," in which they declared the Rio Grande from its mouth to its source to be their boundary, and by the said act they extended their "civil and political jurisdiction" over the country up to that boundary. During a period of more than nine years, which intervened between the adoption of her Constitution and her annexation as one of the States of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces. She organized and defined the limits of counties extending to the Rio Grande. She established courts of justice, and extended her judicial system over the territory. She established a custom-house, and collected duties and

also post-offices and post-roads in it. She established a land office, and issued numerous grants for land within its limits. A Senator and Representative residing in it were elected to the Congress of the republic, and served as such before the act of annexation took place. In both the Congress and Convention of Texas, which gave their assent to the terms of annexation to the United States, proposed by our Congress, were representatives residing west of the Nueces, who took part in the act of annexation itself. This was the Texas which, by the act of our Congress of the twenty-ninth of December, 1845, was admitted as one of the States of our Union. That the Congress of the United States understood the State of Texas which they admitted into the Union to extend beyond the Nueces is apparent from the fact, that on the thirty-first day of December, 1845, only two days after the act of admission, they passed a law "to establish a collection district in the State of Texas," by which they created a port of delivery at Corpus Christi, situated west of the Nueces, and being the same point at which the Texas custom-house, under the laws of that republic, had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the President, by and with the advice and consent of the Senate. A surveyor was accordingly nominated, and confirmed by the Senate, and has been ever since in the performance of his duties. All these acts of the republic of Texas, and of our Congress, preceded the orders for the advance of our army to the east bank of the Rio Grande. Subsequently, Congress passed an act "establishing certain post routes," extending west of the Nueces. The country west of that river now constitutes a part of one of the Congressional districts of Texas, and is represented in the House of Representatives. The Senators from that State were chosen by a legislature in which the country west of that river was represented. In view of all these facts, it is difficult to conceive upon what grounds it can be maintained that, in occupying the country west of the Nueces with our army, with a view solely to its security and defence, we invaded the territory of Mexico. But it would have been still more difficult to justify the Executive, whose duty it is to see that the law be faithfully executed, if, in the face of all these proceedings, both of the Congress of Texas and of the United States, he had assumed the responsibility of yielding up the territory west of the Nueces to Mexico, or of refusing to protect and defend this territory and its inhabitants, including Corpus Christi, as well as the remainder of Texas, against the threatened Mexican invasion.

But Mexico herself has never placed the war which she has waged upon the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande. Her refuted pretension, that

Texas was not an independent State, but a rebellious province, was obstinately persevered in; and her avowed purpose in commencing a war with the United States was to reconquer Texas, and to restore Mexican authority over the whole territory—not to the Nueces alone, but to the Sabine. In view of the proclaimed menaces of Mexico to this effect, I deemed it my duty, as a measure of precaution and defence, to order our army to occupy a position on our frontier as a military post, from which our troops could best resist and repel any attempted invasion which Mexico might make.

Our army had occupied a position at Corpus Christi, west of the Nueces, as early as August, 1845, without complaint from any quarter. Had the Nueces been regarded as the true western boundary of Texas, that boundary had been passed by our army many months before it advanced to the eastern bank of the Rio Grande. In my annual Message of December last, I informed Congress that, upon the invitation of both the Congress and Convention of Texas, I had deemed it proper to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas, to protect and defend the inhabitants against the menaced invasion of Mexico. In that Message I informed Congress that the moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence; and that for that purpose our squadron had been ordered to the Gulf, and our army to "take a position between the Nueces and the Del Norte," or Rio Grande, and "to repel any invasion of the Texan territory which might be attempted by the Mexican forces."

It was deemed proper to issue this order, because soon after the President of Texas, in April, 1845, had issued his proclamation convening the Congress of that Republic, for the purpose of submitting to that body the terms of annexation proposed by the United States, the Government of Mexico made serious threats of invading the Texan territory.

These threats became more imposing as it became more apparent, in the progress of the question, that the people of Texas would decide in favor of accepting the terms of annexation; and, finally, they had assumed such a formidable character, as induced both the Congress and Convention of Texas to request that a military force should be sent by the United States into her territory, for the purpose of protection and defending her against the threatened invasion. It would have been a violation of good faith toward the people of Texas to have refused to afford the aid which they desired against a threatened invasion, to which they had been exposed by their free determination to annex

themselves to our Union, in compliance with the overture made to them by the joint resolution of our Congress.

Accordingly, a portion of the army was ordered to advance into Texas. Corpus Christi was the position selected by General Taylor. He encamped at that place in August, 1845, and the army remained in that position until the 11th of March, 1846, when it moved westward, and on the 28th of that month, reached the east bank of the Rio Grande, opposite to Matamoras. This movement was made in pursuance of orders from the War Department, issued on the 13th of January, 1846. Before these orders were issued, the despatch of our Minister in Mexico, transmitting the decision of the Council of Government of Mexico, advising that he should not be received, and also the despatch of our consul residing in the city of Mexico—the former bearing date on the 17th, and the latter on the 18th of December, 1845, copies of both of which accompanied my Message to Congress of the 11th of May last—were received at the Department of State. These communications rendered it highly probable, if not absolutely certain, that our Minister would not be received by the Government of General Herrera. It was also well known that but little hope could be entertained of a different result from General Paredes, in case the revolutionary movement which he was prosecuting should prove successful, as was highly probable. The partisans of Paredes, as our Minister, in the despatch referred to, states, breathed the fiercest hostility against the United States, denounced the proposed negotiation as treason, and openly called upon the troops and the people to put down the Government of Herrera by force. The re-conquest of Texas and war with the United States were openly threatened. These were the circumstances existing, when it was deemed proper to order the army under the command of General Taylor to advance to the western frontier of Texas, and occupy a position on or near the Rio Grande.

The apprehensions of a contemplated Mexican invasion have been since fully justified by the event. The determination of Mexico to rush into hostilities with the United States was afterward manifested, from the whole tenor of the note of the Mexican Minister of Foreign Affairs to our Minister, bearing date on the 12th of March, 1846. Paredes had then revolutionized the Government, and his Minister, after referring to the resolution for the annexation of Texas, which had been adopted by our Congress in March, 1845, proceeds to declare that "a fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The Supreme Government had beforehand declared that it would look upon such an act as a *casus belli*, and, as a consequence of this declaration,

negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican Government."

It appears, also, that on the 4th of April following, General Paredes, through his Minister of War, issued orders to the Mexican general in command on the Texan frontier, to "attack" our army "by every means which war permits." To this General Paredes had been pledged to the army and people of Mexico during the military revolution which had brought him into power. On the 18th of April, 1846, General Paredes addressed a letter to the commander on that frontier, in which he stated to him, "at the present date, I suppose you at the head of that valiant army, either fighting already, or preparing for the operations of a campaign;" and, "supposing you already on the theatre of operations, and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy."

The movement of our army to the Rio Grande was made by the commanding general, under positive orders to abstain from all aggressive acts toward Mexico, or Mexican citizens, and to regard the relations between the two countries as peaceful, unless Mexico should declare war, or commit acts of hostility indicative of a state of war; and these orders he faithfully executed. Whilst occupying his position on the east bank of the Rio Grande, within the limits of Texas, then recently admitted as one of the States of our Union, the commanding general of the Mexican forces, who, in pursuance of the orders of his Government, had collected a large army on the opposite shore of the Rio Grande, crossed the river, invaded our territory, and commenced hostilities by attacking our forces.

Thus, after all the injuries which we had received and borne from Mexico, and after she had insultingly rejected a Minister sent to her on a mission of peace, and whom she had solemnly agreed to receive, she consummated her long course of outrage against our country by commencing an offensive war, and shedding the blood of our own citizens on our own soil.

The United States never attempted to acquire Texas by conquest. On the contrary, at an early period after the people of Texas had achieved their independence, they sought to be annexed to the United States. At a general election in September, 1835, they decided with great unanimity in favor of "annexation;" and in November following, the Congress of the Republic authorized the appointment of a Minister, to bear their request to this Government. The Government, however, having remained neutral between Texas and Mexico during the war between them, and considering it due to the honor of our country, and our fair fame among the nations of the earth, that we

should not at this early period consent to annexation, nor until it should be manifest to the whole world that the reconquest of Texas by Mexico was impossible, refused to accede to the overtures made by Texas. On the twelfth of April, 1844, and after more than seven years had elapsed since Texas had established her independence, a treaty was concluded for the annexation of that republic to the United States, which was rejected by the Senate. Finally, on the first of March, 1845, Congress passed a joint resolution for annexing her to the United States, upon certain preliminary conditions to which her assent was required. The solemnities which characterized the deliberations and conduct of the Government and people of Texas, on the deeply interesting questions presented by these resolutions, are known to the world. The Congress, the Executive, and the people of Texas, in a Convention elected for that purpose, accepted with great unanimity the proposed terms of annexation; and thus consummated, on her part, the great act of restoring to our federal Union a vast territory which had been ceded to Spain by the Florida treaty, more than a quarter of a century before.

After the joint resolution for the annexation of Texas to the United States had been passed by our Congress, the Mexican Minister, at Washington addressed a note to the Secretary of State, bearing date on the sixth of March, 1845, protesting against it as "an act of aggression, the most unjust which can be found recorded in the annals of modern history; namely, that of despoiling a friendly nation, like Mexico, of a considerable portion of her territory;" and protesting against the resolution of annexation, as being an act "whereby the province of Texas, an integral portion of the Mexican territory, is agreed and admitted into the American Union;" and he announced that, as a consequence, his mission to the United States had terminated, and demanded his passports, which were granted. It was upon the absurd pretext, made by Mexico, (herself indebted for her independence to a successful revolution,) that the republic of Texas still continued to be, notwithstanding all that had passed, a province of Mexico, that this step was taken by the Mexican Minister.

Every honorable effort has been used by me to avoid the war which followed, but all have proved vain. All our attempts to preserve peace have been met by insult and resistance on the part of Mexico. My efforts to this end commenced in the note of the Secretary of State of the 10th of March, 1845, in answer to that of the Mexican Minister. Whilst declining to reopen a discussion which had already been exhausted, and proving again what was known to the whole world, that Texas had long since achieved her independence, the Secretary of State expressed the regret of this Government that Mexico should have

taken offence at the resolution of annexation passed by Congress, and gave assurance that "our most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two Governments, and to the cultivation of the kindest and most friendly relations between the sister republics."

That I have acted in the spirit of this assurance, will appear from the events which have since occurred. Notwithstanding Mexico had abruptly terminated all diplomatic intercourse with the United States, and ought, therefore, to have been the first to ask for its resumption, yet, waiving all ceremony, I embraced the earliest favorable opportunity "to ascertain from the Mexican Government whether they would receive an envoy from the United States intrusted with full power to adjust all the questions in dispute between the two Governments." In September, 1845, I believed the propitious moment for such an overture had arrived. Texas, by the enthusiastic and almost unanimous will of her people, had pronounced in favor of annexation. Mexico herself had agreed to acknowledge the independence of Texas, subject to a condition, it is true; which she had no right to impose, and no power to enforce. The last lingering hope of Mexico, if she still could have retained any, that Texas would ever again become one of her provinces, must have been abandoned.

The consul of the United States at the city of Mexico was, therefore, instructed by the Secretary of State on the fifteenth of September, 1845, to make the inquiry of the Mexican Government. The inquiry was made, and on the fifteenth of October, 1845, the Minister of Foreign Affairs of the Mexican Government, in a note addressed to our consul, gave a favorable response, requesting, at the same time, that our naval force might be withdrawn from Vera Cruz while negotiations should be pending. Upon the receipt of this note, our naval force was promptly withdrawn from Vera Cruz. A Minister was immediately appointed, and departed to Mexico. Everything bore a promising aspect for a speedy and peaceful adjustment of all our difficulties. At the date of my annual message to Congress, in December last, no doubt was entertained but that he would be received by the Mexican Government, and the hope was cherished that all cause of misunderstanding between the two countries would be speedily removed. In the confident hope that such would be the result of his mission, I informed Congress that I forbore at that time to "recommend such ulterior measures of redress for the wrongs and injuries we had so long borne, as it would have been proper to make had no such negotiation been instituted." To my surprise and regret, the Mexican Government, though solemnly pledged to do so upon the arrival of our Minister in Mexico, refused to receive and accredit him. When he

reached Vera Cruz, on the thirteenth of November, 1845, he found that the aspect of affairs had undergone an unhappy change. The government of General Herrera, who was at that time President of the republic, was tottering to its fall. General Paredes (a military leader) had manifested his determination to overthrow the government of Herrera by a military revolution; and one of the principal means which he employed to effect his purpose, and render the government of Herrera odious to the army and the people of Mexico, was by loudly condemning its determination to receive a minister of peace from the United States, alleging that it was the intention of Herrera, by a treaty with the United States, to dismember the territory of Mexico, by ceding away the department of Texas. The government of Herrera is believed to have been well disposed to a pacific adjustment of existing difficulties; but, probably alarmed for its own security, and in order to ward off the danger of the revolution led by Paredes, violated its solemn agreement, and refused to receive or accredit our Minister; and this, although informed that he had been invested with full power to adjust all questions in dispute between the two Governments. Among the frivolous pretexts for this refusal, the principal one was that our Minister had not gone upon a special mission, confined to the question of Texas alone, leaving all the outrages upon our flag and our citizens unredressed. The Mexican Government well knew that both our national honor and the protection due to our citizens imperatively required that the two questions of boundary and indemnity should be treated of together, as naturally and inseparably blended, and they ought to have seen that this course was best calculated to enable the United States to extend to them the most liberal justice. On the thirtieth of December, 1845, General Herrera resigned the presidency, and yielded up the Government to General Paredes without a struggle. Thus a revolution was accomplished solely by the army commanded by Paredes, and the supreme power in Mexico passed into the hands of a military usurper, who was known to be bitterly hostile to the United States.

Although the prospect of a pacific adjustment with the new Government was unpromising, from the known hostility of its head to the United States, yet, determined that nothing should be left undone on our part to restore friendly relations between the two countries, our Minister was instructed to present his credentials to the new Government, and ask to be accredited by it in the diplomatic character in which he had been commissioned. These instructions he executed by his note of the first of March, 1846, addressed to the Mexican Minister of Foreign Affairs, but his request was insultingly refused by that Minister in his answer of the twelfth of the same month. No alterna-

tive remained for our Minister but to demand his passports, and return to the United States.

Thus was the extraordinary spectacle presented to the civilized world, of a Government, in violation of its own express agreement, having twice rejected a minister of peace, invested with full powers to adjust all the existing differences between the two countries in a manner just and honorable to both. I am not aware that modern history presents a parallel case, in which, in time of peace, one nation has refused even to hear propositions from another for terminating existing difficulties between them. Scarcely a hope of adjusting our difficulties, even at a remote day, or of preserving peace with Mexico, could be cherished while Paredes remained at the head of the Government. He had acquired the supreme power by a military revolution, and upon the most solemn pledges to wage war against the United States, and to reconquer Texas, which he claimed as a revolted province of Mexico. He had denounced as guilty of treason, all those Mexicans who considered Texas as no longer constituting a part of the territory of Mexico, and who were friendly to the cause of peace. The duration of the war which he waged against the United States was indefinite, because the end which he proposed, of the reconquest of Texas, was hopeless. Besides, there was good reason to believe, from all his conduct, that it was his intention to convert the republic of Mexico into a monarchy, and to call a foreign European prince to the throne. Preparatory to this end, he had, during his short rule, destroyed the liberty of the press, tolerating that portion of it only which openly advocated the establishment of a monarchy. The better to secure the success of his ultimate designs, he had, by an arbitrary decree, convoked a Congress —not to be elected by the free voice of the people, but to be chosen in a manner to make them subservient to his will, and to give him absolute control over their deliberations.

Under all these circumstances, it was believed that any revolution in Mexico, founded upon opposition to the ambitious projects of Paredes, would tend to promote the cause of peace as well as to prevent and attempted European interference in the affairs of the North American continent—both objects of deep interest to the United States. Any such foreign interference, if attempted, must have been resisted by the United States. My views upon that subject were fully communicated to Congress in my last annual message. In any event, it was certain that no change whatever in the Government of Mexico which would deprive Paredes of power could be for the worse, so far as the United States were concerned, while it was highly probable that any change must be for the better. This was the state of affairs existing when Congress on the thirteenth of May last, recognized the existence of the

war which had been commenced by the government of Paredes, and it became an object of much importance, with a view to a speedy settlement of our difficulties and the restoration of an honorable peace, that Paredes should not retain power in Mexico.

Before that time there were symptoms of a revolution in Mexico, favored, as it was understood to be, by the more liberal party, and especially by those who were opposed to foreign interference and to the monarchical form of government. Santa Anna was then in exile in Havana, having been expelled from power and banished from his country by a revolution which occurred in December, 1844; but it was known that he had still a considerable party in his favor in Mexico. It was also equally well known that no vigilance which could be exerted by our squadron would, in all probability, have prevented him from effecting a landing somewhere on the extensive gulf coast of Mexico, if he desired to return to his country. He had openly professed an entire change of policy; had expressed his regret that he had subverted the federal constitution of 1824, and avowed that he was now in favor of its restoration. He had publicly declared his hostility, in the strongest terms, to the establishment of a monarchy, and to European interference in the affairs of his country.

Information to this effect had been received, from sources believed to be reliable, at the date of the recognition of the existence of the war by Congress, and was afterwards fully confirmed by the receipt of the despatch of our consul in the city of Mexico, with the accompanying documents, which are herewith transmitted. Besides, it was reasonable to suppose that he must see the ruinous consequences to Mexico of a war with the United States, and that it would be his interest to favor peace.

It was under these circumstances and upon these considerations that it was deemed expedient not to obstruct his return to Mexico, should he attempt to do so. Our object was the restoration of peace, and with that view, no reason was perceived why we should take part with Paredes, and aid him, by means of our blockade, in preventing the return of his rival to Mexico. On the contrary, it was believed that the intestine divisions which ordinary sagacity could not but anticipate as the fruit of Santa Anna's return to Mexico, and his contest with Paredes, might strongly tend to produce a disposition with both parties to restore and preserve peace with the United States. Paredes was a soldier by profession, and a monarchist in principle. He had but recently before been successful in a military revolution, by which he had obtained power. He was the sworn enemy of the United States, with which he had involved his country in the existing war. Santa Anna had been expelled from power by the army, was known to be in open hostility to

Paredes, and publicly pledged against foreign intervention, and the restoration of monarchy in Mexico. In view of these facts and circumstances it was, that, when orders were issued to the commander of our naval forces in the Gulf, on the fifteenth day of May last, only two days after the existence of the war had been recognized by Congress, to place the coasts of Mexico under blockade, he was directed not to obstruct the passage of Santa Anna to Mexico, should he attempt to return.

A revolution took place in Mexico in the early part of August following by which the power of Paredes was overthrown, and he has since been banished from the country, and is now in exile. Shortly afterwards Santa Anna returned. It remains to be seen whether his return may not yet prove to be favorable to a pacific adjustment of the existing difficulties, it being manifestly his interest not to persevere in the prosecution of a war commenced by Paredes, to accomplish a purpose so absurd as the reconquest of Texas to the Sabine. Had Paredes remained in power, it is morally certain that any pacific adjustment would have been hopeless.

Upon the commencement of hostilities by Mexico against the United States, the indignant spirit of the nation was at once roused. Congress promptly responded to the expectations of the country, and, by the act of the thirteenth of May last, recognized the fact that war existed, by the act of Mexico, between the United States and that republic, and granted the means necessary for its vigorous prosecution. Being involved in a war thus commenced by Mexico, and for the justice of which on our part we may confidently appeal to the whole world, I resolved to prosecute it with the utmost vigor. Accordingly the ports of Mexico on the Gulf and on the Pacific have been placed under blockade, and her territory invaded at several important points. The report from the Departments of War, and the Navy, will inform you more in detail of the measures adopted in the emergency in which our country was placed, and of the gratifying results which have been accomplished.

The various columns of the army have performed their duty under great disadvantages, with the most distinguished skill and courage. The victories of Palo Alto, and Resaca de la Palma, and of Monterey, won against greatly superior numbers, and against most decided advantages in other respects on the part of the enemy, were brilliant in their execution, and entitle our brave officers and soldiers to the grateful thanks of their country. The nation deplores the loss of the brave officers and men who have gallantly fallen while vindicating and defending their country's rights and honor.

It is a subject of pride and satisfaction that our volunteer citizen

soldiers, who so promptly responded to their country's call, with an experience of the discipline of a camp of only a few weeks, have borne their part in the hard-fought battle of Monterey with a constancy and courage equal to that of veteran troops, and worthy of the highest admiration. The privations of long marches through the enemy's country, and through a wilderness, have been borne without a murmur. By rapid movements the province of New Mexico, with Santa Fe, its capital, has been captured without bloodshed. The navy has co-operated with the army, and rendered important services; if not so brilliant, it is because the enemy had no force to meet them on their own element, and because of the defences which nature has interposed in the difficulties of the navigation on the Mexican coast. Our squadron in the Pacific, with the co-operation of a gallant officer of the army, and a small force hastily collected in that distant country, have acquired bloodless possession of the Californias, and the American flag has been raised at every important point in that province.

I congratulate you on the success which has thus attended our military and naval operations. In less than seven months after Mexico commenced hostilities, at a time selected by herself, we have taken possession of many of her principal ports, driven back and pursued her invading army, and acquired military possession of the Mexican provinces of New Mexico, New Leon, Coahuila, Tamaulipas, and the Californias, a territory larger in extent than that embraced in the original thirteen States of the Union, inhabited by a considerable population, and much of it more than a thousand miles from the points at which we had to collect our forces and commence our movements. By the blockade the import and export trade of the enemy has been cut off. Well may the American people be proud of the energy and gallantry of our regular and volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can, under any emergency, confidently rely for the maintenance of her honor, and the defence of her rights, on an effective force, ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive, it is in the end economical, as the ability to command it removes the necessity of employing a large standing army in time of peace, and proves that our people love their institutions, and are ever ready to defend and protect them.

Whilst the war was in a course of vigorous and successful prosecution, being still anxious to arrest its evils, and considering that, after the brilliant victories of our arms on the eighth and ninth of May last, the national honor could not be compromitted by it, another overture was made to Mexico, by my direction, on the 27th of July last, to ter-

minate hostilities by a peace just and honorable to both countries. On the thirty-first of August following, the Mexican Government declined to accept this friendly overture, but referred it to the decision of a Mexican Congress, to be assembled in the early part of the present month. I communicate to you herewith a copy of the letter of the Secretary of State proposing to reopen negotiations, of the answer of the Mexican Government, and of the reply thereto of the Secretary of State.

The war will continue to be prosecuted with vigor, as the best means of securing peace. It is hoped that the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known. In this view, it is deemed important to hold military possession of all the provinces which have been taken, until a definitive treaty of peace shall have been concluded and ratified by the two countries.

The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico.

By the laws of nations a conquered territory is subject to be governed by the conqueror during his military possession, and until there is either a treaty of peace, or he shall voluntarily withdraw from it. The old civil Government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest, and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised, and this duty performed, by our military and naval commanders, by the establishment of temporary governments in some of the conquered provinces in Mexico, assimilating them as far as practicable to the free institutions of our own country. In the provinces of New Mexico, and of the Californias, little if any further resistance is apprehended from the inhabitants to the temporary governments which have thus, from the necessity of the case, and according to the laws of war, been established. It may be proper to provide for the security of these important conquests by making an adequate appropriation for the purpose of erecting fortifications, and defraying the expenses necessarily incident to the maintenance of our possession and authority over them.

Near the close of your last session, for reasons communicated to Congress, I deemed it important, as a measure for securing a speedy

peace with Mexico, that a sum of money should be appropriated, and placed in the power of the Executive, similar to that which had been made upon two former occasions, during the administration of President Jefferson.

On the twenty-sixth of February, 1803, an appropriation of two millions of dollars was made, and placed at the disposal of the President. Its object is well known. It was at that time in contemplation to acquire Louisiana from France, and it was intended to be applied as a part of the consideration which might be paid for that territory. On the thirteenth of February, 1806, the same sum was in like manner appropriated, with a view to the purchase of the Floridas from Spain. These appropriations were made to facilitate negotiations, and as a means to enable the President to accomplish the important objects in view. Though it did not become necessary for the President to use these appropriations, yet a state of things might have arisen in which it would have been highly important for him to do so, and the wisdom of making them cannot be doubted. It is believed that the measure recommended at your last session met with the approbation of decided majorities in both houses of Congress. Indeed, in different forms, a bill making an appropriation of two millions of dollars passed each House, and it is much to be regretted that it did not become a law. The reasons which induced me to recommend the measure at that time still exist; and I again submit the subject for your consideration, and suggest the importance of early action upon it. Should the appropriation be made, and be not needed, it will remain in the treasury; should it be deemed proper to apply it in whole or in part, it will be accounted for as other public expenditures.

Immediately after Congress had recognized the existence of the war with Mexico, my attention was directed to the danger that privateers might be fitted out in the ports of Cuba and Porto Rico to prey upon the commerce of the United States; and I invited the special attention of the Spanish Government to the fourteenth article of our treaty with that power of the twentieth of October, 1795, under which the citizens and subjects of either nation who shall take commissions or letters of marque to act as privateers against the other "shall be punished as pirates."

It affords me pleasure to inform you that I have received assurances from the Spanish Government that this article of the treaty shall be faithfully observed on its part. Orders for this purpose were immediately transmitted from that Government to the authorities of Cuba and Porto Rico to exert their utmost vigilance in preventing any attempts to fit out privateers in those islands against the United States. From the good faith of Spain I am fully satisfied that this treaty will be exe-

cuted in its spirit as well as its letter; whilst the United States will, on their part, faithfully perform all the obligations which it imposes on them.

Information has been recently received at the Department of State that the Mexican Government has sent to Havana blank commissions to privateers, and blank certificates of naturalization, signed by General Salas, the present head of the Mexican Government. There is also reason to apprehend that similar documents have been transmitted to other parts of the world. Copies of these papers, in translation, are herewith transmitted.

As the preliminaries respecting the practice of civilized nations commissioning privateers and regulating their conduct appear not to have been observed, and as these commissions are in blank to be filled up with the names of citizens and subjects of all nations who may be willing to purchase them, the whole proceeding can only be construed as an invitation to all the freebooters upon earth, who are willing to pay for the privilege, to cruise against American commerce. It will be for our courts of justice to decide whether, under such circumstances, these Mexican letters of marque and reprisal shall protect those who accept them, and commit robberies upon the high seas under their authority, from the pains and penalties of piracy.

If the certificates of naturalization thus granted be intended by Mexico to shield Spanish subjects from the guilt and punishment of pirates, under our treaty with Spain, they will certainly prove unavailing. Such a subterfuge would be but a weak device to defeat the provisions of a solemn treaty.

I recommend that Congress should immediately provide by law for the trial and punishment, as pirates, of Spanish subjects who, escaping the vigilance of their Government, shall be found guilty of privateering against the United States. I do not apprehend serious danger from these privateers. Our navy will be constantly on the alert to protect our commerce. Besides, in case prizes should be made of American vessels, the utmost vigilance will be exerted by our blockading squadron, to prevent the captors from taking them into Mexican ports, and it is not apprehended that any nation will violate its neutrality by suffering such prizes to be condemned and sold within its jurisdiction.

I recommend that Congress should immediately provide by law for granting letters of marque and reprisal against vessels under the Mexican flag. It is true that there are but few, if any, commercial vessels of Mexico upon the high seas; and it is, therefore, not probable that many American privateers would be fitted out, in case a law should pass authorizing this mode of warfare. It is, notwithstanding, certain that such privateers may render good service to the commercial interests

of the country by recapturing our merchant ships, should any be taken by armed vessels under the Mexican flag, as well as by capturing these vessels themselves. Every means within our power should be rendered available for the protection of our commerce.

The annual report of the Secretary of the Treasury will exhibit a detailed statement of the condition of the finances. The imports for the fiscal year ending on the thirteenth of June last, were of the value of one hundred and twenty-one million six hundred and ninety-one thousand seven hundred and ninety-seven dollars; of which the amount exported was eleven million three hundred and forty-six thousand six hundred and twenty-three dollars, leaving the amount retained in the country for domestic consumption one hundred and ten million three hundred and forty-five thousand one hundred and seventy-four dollars. The value of the exports for the same period was one hundred and thirteen million four hundred and eighty-eight thousand five hundred and sixteen dollars; of which one hundred and two million one hundred and forty-one thousand eight hundred and ninety-three dollars consisted of domestic productions, and eleven million three hundred and forty-six thousand six hundred and twenty-three dollars of foreign articles.

The receipts into the Treasury for the same year were twenty-nine millions four hundred and ninety-nine thousand two hundred and forty-seven dollars and six cents; of which there was derived from customs twenty-six million seven hundred and twelve thousand six hundred and sixty-seven dollars and eighty-seven cents; from sales of public lands, two million six hundred and ninety-five thousand four hundred and fifty-two dollars and forty-eight cents, and from incidental and miscellaneous resources ninety-two thousand one hundred and twenty-six dollars and seventy-one cents. The expenditures for the same period were twenty-eight million thirty-one thousand eight hundred and fourteen dollars and twenty cents, and the balance in the Treasury on the first day of July last was nine million one hundred and twenty-six thousand four hundred and thirty-nine dollars and eight cents.

The amount of the public debt, including treasury notes, on the first of the present month, was twenty-four million two hundred and fifty-six thousand four hundred and ninety-four dollars and sixty cents; of which the sum of seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents was outstanding on the fourth of March, 1845, leaving the amount incurred since that time, six million four hundred and sixty-seven thousand six hundred and ninety-four dollars and ninety-eight cents.

In order to prosecute the war with Mexico with vigor and energy, as the best means of bringing it to a speedy and honorable termination,

a further loan will be necessary, to meet the expenditures for the present and the next fiscal years. If the war should be continued until the thirtieth of June, 1848—being the end of the next fiscal year—it is estimated that an additional loan of twenty-three millions of dollars will be required. This estimate is made upon the assumption, that it will be necessary to retain constantly in the Treasury four millions of dollars, to guard against contingencies. If such surplus were not required to be retained, then a loan of nineteen millions of dollars would be sufficient. If, however, Congress should, at the present session, impose a revenue duty on the principal articles now embraced in the free list, it is estimated that an additional annual revenue of about two millions and a half, amounting, it is estimated, on the thirtieth of June, 1848, to four millions of dollars, would be derived from that source; and the loan required would be reduced by that amount. It is estimated, also, that should Congress graduate and reduce the price of such of the public lands as have been long in the market, the additional revenue derived from that source would be annually, for several years to come, between half a million and a million of dollars; and the loan required may be reduced by that amount also. Should these measures be adopted, the loan required would not probably exceed eighteen or nineteen millions of dollars—leaving in the Treasury a constant surplus of four millions of dollars. The loan proposed, it is estimated, will be sufficient to cover the necessary expenditures, both for the war and for all other purposes, up to the thirtieth of June, 1848; and an amount of this loan, not exceeding one half, may be required during the present fiscal year, and the greater part of the remainder during the first half of the fiscal year succeeding.

In order that timely notice may be given, and proper measures taken to effect the loan, or such portion of it as may be required, it is important that the authority of Congress to make it be given at an early period of your present session. It is suggested that the loan should be contracted for a period of twenty years, with authority to purchase the stock and pay it off, at an earlier period, at its market value, out of any surplus which may at any time be in the Treasury applicable to that purpose. After the establishment of peace with Mexico, it is supposed that a considerable surplus will exist, and that the debt may be extinguished in a much shorter period than that for which it may be contracted. The period of twenty years as that for which the proposed loan may be contracted, in preference to a shorter period, is suggested, because all experience, both at home and abroad, has shown that loans are effected upon much better terms upon long time, than when they are reimbursed at short dates.

Necessary as this measure is, to sustain the honor and interest of the

country, engaged in a foreign war, it is not doubted but that Congress will promptly authorize it.

The balance in the Treasury on the first of July last exceeded nine millions of dollars, notwithstanding considerable expenditures had been made for the war during the months of May and June preceding. But for the war, the whole public debt could and would have been extinguished within a short period; and it was a part of my settled policy to do so, and thus relieve the people from its burden, and place the Government in a position which would enable it to reduce the public expenditures to that economical standard which is most consistent with the general welfare, and the pure and wholesome progress of our institutions.

Among our just causes of complaint against Mexico, arising out of her refusal to treat for peace, as well before as since the war so unjustly commenced on her part, are the extraordinary expenditures in which we have been involved. Justice to our own people will make it proper that Mexico should be held responsible for these expenditures.

Economy in the public expenditures is at all times a high duty which all public functionaries of the Government owe to the people. This duty becomes the more imperative in a period of war, when large and extraordinary expenditures become unavoidable. During the existence of the war with Mexico all our resources should be husbanded, and no appropriations made except such as are absolutely necessary for its vigorous prosecution and the due administration of the Government. Objects of appropriation which in peace may be deemed useful or proper, but which are not indispensable for the public service, may, when the country is engaged in a foreign war, be well postponed to a future period. By the observance of this policy at our present session, large amounts may be saved to the Treasury, and applied to objects of pressing and urgent necessity, and thus the creation of a corresponding amount of public debt may be avoided.

It is not meant to recommend that the ordinary and necessary appropriations for the support of Government should be withheld, but it is well known that at every session of Congress, appropriations are proposed for numerous objects which may or may not be made, without materially affecting the public interests; and these it is recommended should not be granted.

The act passed at your last session, "reducing the duties on imports," not having gone into operation until the first of the present month, there has not been time for its practical effect upon the revenue, and the business of the country, to be developed. It is not doubted, however, that the just policy which it adopts will add largely to our foreign

trade, and promote the general prosperity. Although it cannot be certainly foreseen what amount of revenue it will yield, it is estimated that it will exceed that produced by the act of 1842, which it superseded. The leading principles established by it are, to levy the taxes with a view to raise revenue, and to impose them upon the articles imported according to their actual value.

The act of 1842, by the excessive rates of duty which it imposed on many articles, either totally excluded them from importation, or greatly reduced the amount imported, and thus diminished instead of producing revenue. By it the taxes were imposed not for the legitimate purpose of raising revenue, but to afford advantages to favored classes at the expense of a large majority of their fellow-citizens. Those employed in agriculture, mechanical pursuits, commerce, and navigation, were compelled to contribute from their substance to swell the profits and overgrown wealth of the comparatively few who had invested their capital in manufactures. The taxes were not levied in proportion to the value of the articles upon which they were imposed; but, widely departing from this just rule, the lighter taxes were, in many cases, levied upon articles of luxury and high price, and the heavier taxes on those of necessity and low price, consumed by the great mass of the people. It was a system the inevitable effect of which was to relieve favored classes and the wealthy few from contributing their just proportion for the support of Government, and to lay the burden on the labor of the many engaged in other pursuits than manufactures.

A system so unequal and unjust has been superseded by the existing law, which imposes duties not for the benefit or injury of classes or pursuits, but distributes, and, as far as practicable, equalizes the public burdens among all classes and occupations. The favored classes, who, under the unequal and unjust system which has been repealed, have heretofore realized large profits, and many of them amassed large fortunes, at the expense of many who have been made tributary to them, will have no reason to complain, if they shall be required to bear their just proportion of the taxes necessary for the support of Government. So far from it, it will be perceived, by an examination of the existing law, that discriminations in the rates of duty imposed, within the revenue principle, have been retained in their favor.

The incidental aid against foreign competition which they still enjoy gives them an advantage which no other pursuits possess; but of this none others will complain, because the duties levied are necessary for revenue. These revenue duties, including freights and charges, which the importer must pay before he can come in competition with the home manufacturer in our markets, amount, on nearly all our leading branches of manufacture, to more than one third of the value of the

imported article, and in some cases to almost one half its value. With such advantages it is not doubted that our domestic manufacturers will continue to prosper, realizing in well-conducted establishments even greater profits than can be derived from any other regular business. Indeed, so far from requiring the protection of even incidental revenue duties, our manufacturers in several leading branches are extending their business, giving evidence of great ingenuity and skill and of their ability to compete, with increased prospect of success, for the open market of the world. Domestic manufactures, to the value of several millions of dollars, which cannot find a market at home, are annually exported to foreign countries. With such rates of duty as those established by the existing law, the system will probably be permanent; and capitalists, who have made, or shall hereafter make, their investments in manufactures, will know upon what to rely. The country will be satisfied with these rates, because the advantages which the manufacturers still enjoy result necessarily from the collection of revenue for the support of Government. High protective duties, from their unjust operation upon the masses of the people, cannot fail to give rise to extensive dissatisfaction and complaint, and to constant efforts to change or repeal them, rendering all investments in manufactures uncertain and precarious. Lower and more permanent rates of duty, at the same time that they will yield to the manufacturer fair and remunerating profits, will secure him against the danger of frequent changes in the system, which cannot fail to ruinously affect his interest.

Simultaneously with the relaxation of the restrictive policy by the United States, Great Britain, from whose example we derived the system, has relaxed hers. She has modified her corn laws, and reduced many other duties to moderate revenue rates. After ages of experience, the statesmen of that country have been constrained by a stern necessity, and by a public opinion having its deep foundation in the sufferings and wants of impoverished millions, to abandon a system, the effect of which was to build up immense fortunes in the hands of the few, and to reduce the laboring millions to pauperism and misery. Nearly in the same ratio that labor was depressed, capital was increased and concentrated by the British protective policy.

The evils of the system in Great Britain were at length rendered intolerable, and it has been abandoned, but not without a severe struggle on the part of the protected and favored classes to retain the unjust advantages which they have so long enjoyed. It was to be expected that a similar struggle would be made by the same classes in the United States, whenever an attempt was made to modify or abolish the same unjust system here. The protective policy had been in operation in the United States for a much shorter period, and its pernicious

effects were not, therefore, so clearly perceived and felt. Enough, however, was known of these effects to induce its repeal.

It would be strange if, in the face of the example of Great Britain, our principal foreign customer, and of the evils of a system rendered manifest in that country by long and painful experience, and in the face of the immense advantages which, under a more liberal commercial policy we are already deriving, and must continue to derive, by supplying her starving population with food, the United States should restore a policy which she has been compelled to abandon, and thus diminish her ability to purchase from us the food and other articles which she so much needs, and we so much desire to sell. By the simultaneous abandonment of the protective policy by Great Britain and the United States, new and important markets have already been opened for our agricultural and other products; commerce and navigation have received a new impulse; labor and trade have been released from the artificial trammels which have so long fettered them; and to a great extent reciprocity, in the exchange of commodities, has been introduced at the same time by both countries, and greatly for the benefit of both. Great Britain has been forced, by the pressure of circumstances at home, to abandon a policy which has been upheld for ages, and to open her markets for our immense surplus of breadstuffs; and it is confidently believed that other powers of Europe will ultimately see the wisdom, if they be not compelled by the pauperism and sufferings of their crowded population, to pursue a similar policy.

Our farmers are more deeply interested in maintaining the just and liberal policy of the existing law than any other class of our citizens. They constitute a large majority of our population; and it is well known that when they prosper, all other pursuits prosper also. They have heretofore not only received none of the bounties or favors of Government, but, by the unequal operations of the protective policy, have been made, by the burdens of taxation which it imposed, to contribute to the bounties which have enriched others.

When a foreign as well as a home market is opened to them, they must receive, as they are now receiving, increased prices for their products. They will find a readier sale, and at better prices, for their wheat, flower, rice, Indian corn, beef, pork, lard, butter, cheese, and other articles, which they produce. The home market alone is inadequate to enable them to dispose of the immense surplus of food and other articles which they are capable of producing, even at the most reduced prices, for the manifest reason that they cannot be consumed in the country. The United States can, from their immense surplus, supply not only the home demand, but the deficiencies of food required by the whole world.

That the reduced production of some of the chief articles of food in Great Britain, and other parts of Europe, may have contributed to increase the demand for our breadstuffs and provisions, is not doubted; but that the great and efficient cause of this increased demand, and of increased prices, consists in the removal of artificial restrictions heretofore imposed, is deemed to be equally certain. That our exports of food, already increased and increasing beyond former example, under the more liberal policy which has been adopted, will be still vastly enlarged, unless they be checked or prevented by a restoration of the protective policy, cannot be doubted. That our commercial and navigating interests will be enlarged in a corresponding ratio with the increase of our trade is equally certain; while our manufacturing interests will still be the favored interests of the country, and receive the incidental protection afforded them by revenue duties; and more than this they cannot justly demand.

In my annual message of December last a tariff of revenue duties based upon the principles of the existing law, was recommended, and I have seen no reason to change the opinions then expressed. In view of the probable beneficial effects of that law, I recommend that the policy established by it be maintained. It has but just commenced to operate; and to abandon or modify it without giving it a fair trial, would be inexpedient and unwise. Should defects in any of its details be ascertained by actual experience to exist, these may be hereafter corrected; but until such defects shall become manifest, the act should be fairly tested.

It is submitted for your consideration whether it may not be proper, as a war measure, to impose revenue duties on some of the articles now embraced in the free list. Should it be deemed proper to impose such duties, with a view to raise revenue to meet the expenses of the war with Mexico, or to avoid to that extent the creation of a public debt, they may be repealed when the emergency which gave rise to them shall cease to exist, and constitute no part of the permanent policy of the country.

The act of the sixth of August last, "to provide for the better organization of the Treasury, and for the collection, safekeeping, transfer, and disbursement of the public revenue," has been carried into execution as rapidly as the delay necessarily arising out of the appointment of new officers, taking and approving their bonds, and preparing and securing proper places for the safe keeping of the public money, would permit. It is not proposed to depart in any respect from the principles or policy on which this great measure is founded. There are, however, defects in the details of the measure, developed by its practical operation, which are fully set forth in the report of the Secretary of the

Treasury, to which the attention of Congress is invited. These defects would impair, to some extent, the successful operation of the law at all times, but are especially embarrassing when the country is engaged in a war, when the expenditures are greatly increased, when loans are to be effected, and the disbursements are to be made at points many hundred miles distant, in some cases, from any depository, and a large portion of them in a foreign country. The modifications suggested in the report of the Secretary of the Treasury are recommended to your favorable consideration.

In connection with this subject, I invite your attention to the importance of establishing a branch of the mint of the United States at New York. Two thirds of the revenue derived from customs being collected at that point, the demand for specie to pay the duties will be large; and a branch mint, where foreign coin and bullion could be immediately converted into American coin, would greatly facilitate the transaction of the public business, enlarge the circulation of gold and silver, and be, at the same time, a safe depository of the public money.

The importance of graduating and reducing the price of such of the public lands as have been long offered in the market, at the minimum rate authorized by existing laws, and remain unsold, induces me again to recommend the subject to your favorable consideration. Many millions of acres of these lands have been offered in the market for more than thirty years, and large quantities for more than ten or twenty years; and being of an inferior quality, they must remain unsalable for an indefinite period, unless the price at which they may be purchased shall be reduced. To place a price upon them above their real value is not only to prevent their sale, and thereby deprive the Treasury of any income from that source, but is unjust to the States in which they lie, because it retards their growth and increase of population, and because they have no power to levy a tax upon them as upon other lands within their limits, held by other proprietors than the United States, for the support of their local governments.

The beneficial effects of the graduation principle have been realized by some of the States owning the lands within their limits, in which it has been adopted. They have been demonstrated also by the United States acting as the trustee of the Chickasaw tribe of Indians in the sale of their lands lying within the States of Mississippi and Alabama. The Chickasaw lands, which would not command in the market the minimum price established by the laws of the United States for the sale of their lands, were, in pursuance of the treaty of 1834 with that tribe, subsequently offered for sale at graduated and reduced rates for limited periods. The result was, that large quantities of these lands were pur-

chased, which would otherwise have remained unsold. The lands were disposed of at their real value, and many persons of limited means were enabled to purchase small tracts, upon which they have settled with their families. That similar results would be produced by the adoption of the graduation policy by the United States, in all the States in which they are the owners of large bodies of lands which have been long in the market, cannot be doubted. It cannot be a sound policy to withhold large quantities of the public lands from the use and occupation of our citizens, by fixing upon them prices which experience has shown they will not command. On the contrary, it is a wise policy to afford facilities to our citizens to become the owners at low and moderate rates, of freeholds of their own, instead of being the tenants and dependents of others. If it be apprehended that these lands, if reduced in price, would be secured in large quantities by speculators or capitalists, the sales may be restricted, in limited quantities, to actual settlers or persons purchasing for purposes of cultivation.

In my last annual message, I submitted for the consideration of Congress, the present system of managing the mineral lands of the United States, and recommended that they should be brought into market and sold, upon such terms and under such restrictions as Congress might prescribe. By the act of the eleventh of July last, "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa," were authorized to be sold. The act is confined, in its operation, to "lead mines and contiguous lands."

A large portion of the public lands containing copper and other ores is represented to be very valuable; and I recommend that provision be made authorizing the sale of these lands, upon such terms and conditions as their supposed value may, in the judgment of Congress, be deemed advisable, having due regard to the interests of such of our citizens as may be located upon them.

It will be important, during your present session, to establish a territorial government, and to extend the jurisdiction and laws of the United States over the Territory of Oregon. Our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to the Pacific Ocean; and for the purpose of executing them, and preserving friendly relations with the Indian tribes within our limits, an additional number of Indian agencies will be required, and should be authorized by law. The establishment of custom-houses, and of post-offices and post-roads, and provision for the transportation of the mail on such routes as the public convenience will suggest, require legislative authority. It will be proper, also, to establish a surveyor-general's office in that territory, and to make the neces-

sary provision for surveying the public lands, and bringing them into market. As our citizens who now reside in that distant region have been subjected to many hardships, privations, and sacrifices in their emigration, and by their improvements have enhanced the value of the public lands in the neighborhood of their settlements, it is recommended that liberal grants be made to them, of such portions of these lands as they may occupy, and that similar grants or rights of pre-emption be made to all who may emigrate thither within a limited period, to be prescribed by law.

The report of the Secretary of War contains detailed information relative to the several branches of the public service connected with that department. The operations of the army have been of a satisfactory and highly gratifying character.

I recommend to your early and favorable consideration the measures proposed by the Secretary of War for speedily filling up the rank and file of the regular army, for its greater efficiency in the field, and for raising an additional force to serve during the war with Mexico.

Embarrassment is likely to arise for want of legal provision authorizing compensation to be made to the agents employed in the several States and Territories to pay the revolutionary and other pensioners the amounts allowed them by law. Your attention is invited to the recommendations of the Secretary of War on this subject. These agents incur heavy responsibilities and perform important duties, and no reason exists why they should not be placed on the same footing, as to compensation, with other disbursing officers.

Our relations with the various Indian tribes continue to be of a pacific character. The unhappy dissensions which have existed among the Cherokees for many years past have been healed. Since my last annual message important treaties have been negotiated with some of the tribes, by which the Indian title to large tracts of valuable land within the limits of the States and Territories has been extinguished, and arrangements made for removing them to the country west of the Mississippi. Between three and four thousand, of different tribes, have been removed to the country provided for them by treaty stipulations, and arrangements have been made for others to follow.

In our intercourse with the several tribes, particular attention has been given to the important subject of education. The number of schools established among them has been increased, and additional means provided, not only for teaching them the rudiments of education, but of instructing them in agriculture and the mechanic arts.

I refer you to the report of the Secretary of the Navy for a satisfactory view of the operations of the department under his charge during

the past year. It is gratifying to perceive, that while the war with Mexico has rendered it necessary to employ an unusual number of our armed vessels on her coasts, the protection due to our commerce in other quarters of the world has not proved insufficient. No means will be spared to give efficiency to the naval service in the prosecution of the war; and I am happy to know that the officers and men anxiously desire to devote themselves to the service of their country in any enterprise, however difficult of execution.

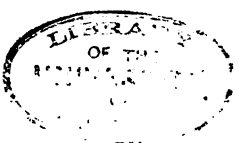
I recommend to your favorable consideration the proposition to add to each of our foreign squadrons an efficient sea steamer, and, as especially demanding attention, the establishment at Pensacola of the necessary means of repairing and refitting the vessels of the navy employed in the Gulf of Mexico.

There are other suggestions in the report which deserve, and, I doubt not, will receive your consideration.

The progress and condition of the mail service for the past year are fully presented in the report of the Postmaster General. The revenue for the year ending on the thirtieth of June last amounted to three million four hundred and eighty-seven thousand one hundred and ninety-nine dollars, which is eight hundred and two thousand six hundred and forty-two dollars and forty-five cents less than that of the preceding year. The payments for that department during the same time amounted to four million eighty-four thousand two hundred and ninety-seven dollars and twenty-two cents. Of this sum five hundred and ninety-seven thousand and ninety-seven dollars and eighty cents have been drawn from the Treasury. The disbursements for the year were two hundred and thirty-six thousand four hundred and thirty-four dollars and seventy-seven cents less than those of the preceding year. While the disbursements have been thus diminished, the mail facilities have been enlarged by new mail routes of five thousand seven hundred and thirty-nine miles; an increase of transportation of one million seven hundred and sixty-four thousand one hundred and forty-five miles, and the establishment of four hundred and eighteen new post-offices. Contractors, postmasters, and others, engaged in this branch of the service, have performed their duties with energy and faithfulness deserving commendation. For many interesting details connected with the operations of this establishment, you are referred to the report of the Postmaster General; and his suggestions for improving its revenues are recommended to your favorable consideration. I repeat the opinion expressed in my last annual message, that the business of this department should be so regulated that the revenues derived from it should be made to equal the expenditures; and it is be-

lieved that this may be done by proper modifications of the present laws, as suggested in the report of the Postmaster General, without changing the present rates of postage.

With full reliance upon the wisdom and patriotism of your deliberations, it will be my duty, as it will be my anxious desire, to co-operate with you in every constitutional effort to promote the welfare and maintain the honor of our common country.



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